

Notable British Trials

The Baccarat Case

NOTABLE BRITISH TRIALS SERIES

General Editor—HARRY HODGE

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The Baccarat Case

GORDON-CUMMING v. WILSON and Others

EDITED BY

W. Teignmouth Shore

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TO

SIR PERCIVAL CLARKE

ADMIRER SON OF AN ADMIRER FATHER

ACKNOWLEDGMENT.

It was my privilege and pleasure to discuss the preparation of this volume with Sir Edward Clarke, without whose generous and kind assistance I should have been helpless. He entirely approved of it being issued, writing to me on the 24th October, 1930: "It gives me much pleasure to hear that the 'Baccarat' or 'Tranby Croft' case is to be included in the valuable library of Notable British Trials."

W. TEIGNMOUTH SHORE.

LONDON, *December*, 1931.

PUBLISHERS' NOTE.

THE late W. Teignmouth Shore, who died suddenly on 3rd January, 1932, was a skilful journalist and an able and enthusiastic contributor to the Notable British Trials Series, with which he had been associated almost since its inception. While Mr. Shore's work on this volume was substantially completed before his death, it has to be noted that the present Introduction was intended by him rather as a draft for later expansion than as a finished article. Since, however, Mr. Shore had many admirers among readers of the "Trials," we print his final contribution to the Series without alteration or addition.

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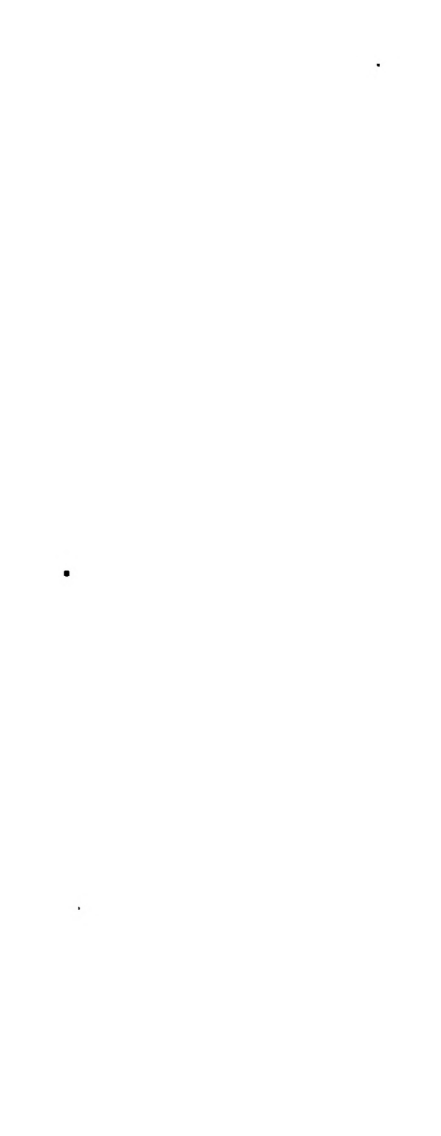
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Introduction.

dressing for dinner. He denied the charge indignantly. They used the 'utmost pressure' to force him to sign. They told him that there were five witnesses against him, and that, in face of this, his denial was worthless. They gave him to understand that, if only he would sign, the whole business would remain a secret for ever. If he did not, it was to be publicly denounced as a swindler the next day on the Doncaster Racecourse. 'What shall I do?' he despairingly asked. 'You are my old friends; advise me.' 'Sign,' was the answer. The scene reminds me of what must often have occurred in the dungeons of the Inquisition 'Recant, or——.' And often the victim did recant. Sir William, it is urged, might have asked to be confronted with his accusers, but he did not. I am not surprised at this since accusers and accused were to meet before two judges who had drawn up the sentence before they had interrogated the accused. Sir William's estimate of the position is shown in his observation, 'What! You, my old friends, believe the testimony of a parcel of boys against me!' He thought, presumably, that if his two old friends believed it, all those to whom he was not known would believe it, too. So he signed, protesting that he was innocent, and preferring that a dozen persons should account him a cheat, than that he should be publicly denounced as one on evidence against which the old friends told him his denial would count for nothing. This was foolish, but it was not inconsistent with innocence. I have known many charges of cheating, and charges proved on far more substantial evidence than this one. Yet I never knew of one in which the guilty person signed his own condemnation. The more hardened the cheat, the stronger the evidence against him, the more did he deny the charge. And why did the old friends give him this strange counsel? why did they urge him to sign the document? Lord Coventry tells us. It stands recorded in his diary: 'To keep the name of the Prince of Wales out of it, and in consideration of their host and hostess, who were suffering from domestic affliction.' "

Sir William, as much as the Prince of Wales, was badly let down by his friends. There can never have been more inane bungling and blundering.

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VI.

The trial itself does not invite comment, legal or general. As has been said already, there was much that was unseemly; the tragedy was made all the more profound by its setting of Society frivolity, which was permitted, indeed encouraged, by the Lord Chief Justice.

The following extract from *Punch*, of 13th June, 1891, gives a true picture of the Court:—"Up betimes and to the Court at the New Palace of Justice hard by the Strand, and near the sign of the Griffin which has taken the place of Temple Bar, upon which did stand long ago the heads of traitors. There did I see a crowd high and low trying to get in. But the custodians and the police mighty haughty, but withal courteous, and no one to be admitted without a ticket signed by the Lord Chief Justice. And I thought it was a good job my wife was not with me. She had a great longing to see a sensation action (as the journals have it), and she being of a fiery disposition and not complacent when refused, might have made an uproar, which would have vexed me to the heart. But in truth I found no trouble. It did seem to me that they did not see me as I entered in. And plenty of room and no crowding, at which I was greatly contented, as I love not crushing. Pretty to see the crowd of fine folks! And there were those who had opera-glasses. And when the Bench was occupied by the Lord Chief Justice—a stately gentleman—and the other persons of quality, how they did gaze! And the dresses of the ladies very fine, and did make the place—which was splendid, and they tell me the largest in the building—like a piece at the play-house! And the counsel, how they did talk! Mighty droll to hear them contradict! One would have it that black was white; which convinced me I had fallen into error, until another had it that he who had spoken was wrong, and white was black! Good lack! who shall decide when counsel differ? and I was mightily content that I was not on the jury, although one of these good people did have the honour of asking a question of His Royal Highness. And it was answered most courteously, at which I was greatly pleased and contented. Then did I hear the

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witnesses. In a mighty dread that I might be called myself! For that which did seem plain enough when he who was in the box was asked by his counsel, did appear all wrong when another questioned him. And the jury, looking wise, and making notes. And it is droll to see how civil every one is to the jury, who, methinks, are no cleverer than any of us! The Lord Chief Justice himself smiling upon them, and mighty courteous! And met my friend, A. Briefless, Junior, who it seems, is always in the Courts, and yet doeth no business. And he did say that it was the strongest Bar in England. And he did tell me how Sir Charles was eloquent, and Sir Edward was clever at fence, and how young Master Gill was most promising. And I noticed how one fair lady, who was seated on the Bench, did seem to arrange everything. And many beauties there, who I did gaze upon with satisfaction. To see them in such gay attire was a pretty sight, and did put my heart in a flutter. And I was pleased when the Court adjourned for luncheon; and it did divert me much to see what appetites they all had! Some had brought sandwiches, and, how they did eat them. But the Lord Chief Justice soon back again, and more witnesses examined until four of the clock, when the day was over. So home, and described to my wife what I had seen, except the damsels." *

Sir Edward Clarke wrote of the Court on the opening day of the trial: "Lord Coleridge had appropriated half of the public gallery, and had given tickets to his friends. The Prince of Wales occupied a chair at the part of the bench between the judge and the witness box. Lady Coleridge sat close to her husband's right hand, and had the duty of checking the occasional inclination to sleep which had at this time become noticeable. The rest of the bench was filled by a group of fashionable ladies, in front of whom, and one might fitly say 'close to the footlights,' one of the judge's daughters-in-law sat with a sketch-book on her knee busily sketching the actors in the drama. Lord Coleridge's angry exclamation, when the crowded Court cheered my closing

* "A Day in the Law Courts (A page from the posthumous Diary of the late Mr. Pepys)." By Arthur & Beckett. Reprinted by kind courtesy of the proprietors of *Punch*.

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speech, ' Silence, this is not a theatre,' sounded in the circumstances rather amusing."

The Master of Balliol^s wrote to Lord Coleridge on 17th June: " I read your charge on the Baccarat Case. I thought it thoroughly right and sound. Everywhere the matter is being discussed; the more fashionable part of the world being in favour of Sir W. G. Cumming, and the common sense of the middle classes against him."

^s Benjamin Jowett.

THE BACCARAT CASE.

INTRODUCTION.

I.

“No dog would be hanged on the evidence that convinced a jury that Sir William Gordon-Cumming had cheated at cards.”—*Truth*, 18th June, 1891.

Viscount Morley, in his “Recollections,” said: “All this clatter about the Prince of Wales and the baccarat . . . is beginning to make me sick.”

II.

This volume is an attempt to win justice for the memory of a man much wronged and to clear away the scandal that was so stupidly attached by press and public to the Prince of Wales (King Edward VII) in connection with what was commonly called the Baccarat Case. It may seem to some that it would have been wiser to allow the whole affair to sink into the limbo of things best forgotten. But reference is often made to the case to-day, and much has been written about it which was incomplete, or inaccurate, or both. It was judged to be best that there should exist an easily attainable source of information, such as can be supplied only by a reprint of the trial in full, accompanied by such comments, notes, and explanatory information as will make the story clear and its vital points understood.

The sensation aroused by the trial can scarcely be realised or understood to-day. It centred round two points: the connection of the Prince of Wales with the affair, and the accusation brought by well-known members of Society against a man of such distinction and high place as Sir William Gordon-Cumming. For the majority it was the scandal that was attractive—for the minority it was the awful tragedy

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of Sir William's situation, the brilliant advocacy on behalf of Sir William by the late Sir Edward Clarke, and the unseemly way in which the trial was conducted, the Court being turned by consent of the judge into a theatre, and a shoddy theatre at that.

Whether or not Sir William Gordon-Cumming was guilty, as the jury asserted he was, or not guilty, can never be definitely settled. A careful perusal of the trial will enable each reader to judge for himself. There were people at the time who were not convinced by the evidence that he was not innocent. Here, too, the considered opinion of Sir Edward Clarke shall be recorded; he wrote: "I believe the verdict was wrong, and that Sir William Gordon-Cumming was innocent of the offence charged against him."¹

III.

The cause tried was an action for slander, the plaintiff being Sir William Gordon-Cumming, Bart., and the defendants Mrs. Arthur Wilson, Mr. Arthur Stanley Wilson, Mr. C. Lycett Green, and Mr. Berkeley Levett. The defendants alleged that the plaintiff cheated at cards and pleaded that their accusation was true. The trial opened upon 1st June, 1891, concluding upon 9th June. From beginning to end it was followed with absorbed interest by all classes of the public, some looking on it as a gripping Society drama and others as a tragedy, the intensity of which was increased by the fear that, perhaps, injustice might be done.

It is not necessary here to recount at length the progress of the trial. The sorry story is told fully and clearly in the speeches of counsel and the evidence of the witnesses, holding the attention from beginning to end and begging for human interest any fiction. The purpose of this Introduction is to discuss a few of the main points and incidents.

Briefly the story is this: For the Doncaster Races of the year 1890 a house party was gathered together by Mr. and Mrs. Arthur Wilson at Tranby Croft, among the guests being the Prince of Wales, the Earl and Countess of

¹ "The Story of My Life," by Sir Edward Clarke. John Murray; 1918.

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Coventry, Lieut.-General Sir Owen Williams, Lord Edward Somerset, Mr. Reuben D. Sassoon, and Sir William Gordon-Cumming, who in addition to being a distinguished soldier was also the personal and favoured friend of His Royal Highness. The party assembled on 8th September. That evening baccarat was played, and how that rather infantile form of gambling is conducted was explained with marvellous clarity by Sir Edward Clarke in his opening speech for the plaintiff.² It was asserted that Sir William was seen to cheat twice during that night's play. The next evening baccarat was again the chosen form of amusement and it was alleged that again Sir William cheated. Lord Coventry was informed by some of the defendants of what they had seen (or, rather, what they honestly and regretfully believed they had seen), and he in turn saw Sir William, who was astounded at the accusation, the truth of which he indignantly and emphatically denied. He begged to see His Royal Highness, which he was allowed to do late in the evening.

The narrative may be broken in order to ask this: If the Prince of Wales had not been dragged in, if Lord Coventry and General Sir Owen Williams, who was Sir William's old and close friend, had insisted on the accused and the accusers thrashing out the matter before them, might not the whole affair have been cleared up? All through there seems to have been a lack of common sense marvellous in experienced men of the world—muddling that ended in misery.

The upshot of much discussion was that Sir William Gordon-Cumming consented to sign and did sign—most unfortunately for him—a document which was approved by the Prince and by others and which was tantamount to an admission of guilt. The accused stated afterward, and his statement was supported by, among others, Lord Coventry and General Owen Williams, that he signed only because he was assured that if he did not do so there must ensue a terrible scandal in which the Prince would be involved.³ The document read: "In consideration of the promise made by the gentlemen whose names are subscribed to preserve silence with

² See page 6.

³ See page 50.

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reference to an accusation which has been made with regard to my conduct at baccarat on the nights of Monday and Tuesday, the 8th and 9th September, 1890, at Tranby Croft, I will on my part solemnly undertake never to play cards again as long as I live." The Prince of Wales was amongst those who signed. That His Royal Highness could believe—that any, even the youngest and most inexperienced of the other signatories could believe—that secrecy as well as silence concerning such a happening could be maintained, however loyal they were to their word and however desirous they were that nothing should leak out, is amazing. Of course, as all concerned should have known, the secret could not be kept. It spread abroad that Sir William Gordon-Cumming was accused of cheating at cards. Clubs and drawing-rooms filled with gossip. It got to be known that he had signed a document to which he would not have put his name if he had been innocent. His accusers would not retract. There was nothing else for him to do but to bring against them an action for slander.

That briefly is the story, which is told at full length in the trial.

IV.

There are two matters which must be considered.

It was most unfortunate that the Prince of Wales should in any way be connected with so grave a scandal. But it was monstrous that there should have been so widespread an outcry against him, and monstrous that the attitude of the press in general should have been so sanctimoniously condemnatory. The uproar was focussed upon two points. That the Prince of Wales was a gambler and encouraged gambling, and that he carried with him on his visits a set of counters and the packs of cards used in baccarat.

Why had there not been any outcry against his running horses? Against his appearing upon race courses? Did not the very newspapers which now howled at him publish the odds on or against his horses and discuss the chances for or against their success? Gambling is either right or wrong, and the actual means employed cannot alter the morality or immorality of it in kind, though possibly sometimes in degree.

Introduction.

To-day, would any newspaper of high standing take up the attitude of admonition adopted by most of the leading newspapers in 1891?

From what the *Pall Mall Gazette*, of 10th June, 1891, gave under the heading of a "Chorus of Condemnation," a few extracts will show the nature and extent of the outcry.

The Times: "We are but expressing the universal feeling of millions of Englishmen and Englishwomen whose wish is, in Lord Coleridge's words, 'to keep our institutions sacred and respectable,' when we say that we profoundly regret that the Prince should have been in any way mixed up, not only in this case, but in the social circumstances which prepared the way for it. . . . What does concern and indeed distress the public is the discovery that the Prince should have been at the baccarat table; that the game was apparently played to please him; that it was played with his counters, specially taken down for the purpose; that his 'set' are a gambling, a baccarat playing, set . . . If the Prince of Wales is known to frequent certain circles, and to eschew others with a greater natural claim upon the notice of Royalty; if he is known to pursue on his private visits a certain round of questionable pleasures into which other people, perhaps young people, are often drawn against their will from mere complaisance,⁴ the serious public—who, after all, are the backbone of England—regret and resent it."

The Standard was not quite so heavy handed: "Baccarat is not a much more objectionable game than *ving-et-un*, and we are not of those who think that cards are the 'devil's books,' whenever and wherever read. The Prince's baccarat is probably no worse than the various analogous amusements in which all classes of his future subjects, from dukes to dustmen, occasionally indulge. But the Prince of Wales is not quite as other men. His position demands a dignity, a sobriety, and a self-restraint from which people of less exalted position and lighter responsibilities are absolved."

The Daily News: "The pity of it all is in the presence of the Heir to the Throne at the head of the baccarat table. . . . The Prince of Wales is bound to a pure, a simple, and a cleanly life as rigorously as if the obligation were set

⁴ Was not this a mere rhetorical assumption?

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down in some constitutional pact. . . . Woe to the monarchy when it can no longer perform what may fairly be called its last surviving use."

The Daily Chronicle: "It is enough to say that the readiness of the Prince of Wales to dispose of himself as 'a prize guest,' to use Lord Coleridge's phrase, in rich but vulgar families, where his taste for the lowest type of gambling can be gratified, even at the cost of dishonouring the proudest names in the country, has profoundly shocked, we may even say disgusted, the people who may one day be asked to submit to his rule."

The country papers did not lag behind, but there is no need for many or lengthy quotations. These specimens are typical:

The Liverpool Courier: "It was pure gambling in the vulgar sense. It is surely an unedifying spectacle to see the Prince of Wales, the future King of England, officiating as 'banker' at such a gamblers' orgy—shuffling the cards for five pound notes."

The Nottingham Express: "The British Empire is humiliated, and the rest of civilisation is pointing a finger at us."

The Dundee Advertiser: "The Prince of Wales is evidently not what, with such a destiny before him, he ought to be."

It should be remembered that among the company present at this "vulgar" house and taking part in or silently acquiescing in this "gamblers' orgy" were Lord and Lady Coventry, General Sir Owen Williams, the Earl of Craven, Mr. Reuben D. Sassoon, Lady Brougham and Vaux, Count Henry Lützow and Mr. Christopher Sykes; scarcely likely people to be consenting parties "from mere complaisancy." It has been well said: "If the Prince himself had been detected cheating, he could not have been more savagely sentenced."

The Prince could not publicly defend himself. Privately he did so. Mr. E. F. Benson has kindly given permission to quote from his very interesting volume "*As We Were*."⁵

On the invitation of the Prince, Archbishop Benson went

⁵Published in 1930 by Messrs. Longmans, Green & Co., who have also kindly consented to these extracts being made.

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to Marlborough House. The opening of the conversation having cleared up a misunderstanding, the two discussed the whole affair. The Prince eagerly stated his case in answer to the attacks that had been made upon him. "He strongly affirmed that he was no gambler; that gambling, as he understood the word, was hateful to him, but that playing cards for small sums was no such thing. . . . The Prince then spoke of certain points in these attacks which had been made on him, and which he particularly resented. The press howled with horror at the idea of counters belonging to him being used at this game of baccarat. 'They say that I carry about counters, as a Turk carries his prayer-carpet,' he said. 'But the reason why I carry counters is to check high play. High sums are easily named, but these counters range from five shillings to five pounds,⁶ and that can hurt nobody.' . . . The second point, of which the Prince justly complained, was the statement, freely made in the press, that his host disapproved of cards and forbade them in his house, but in spite of that the Prince had insisted on playing . . . in consequence of these statements, he had inquired into it, and had found that it was not true." In a letter to the Archbishop he said: "I have a horror of gambling and should always do my utmost to discourage others who have an inclination for it, as I consider that gambling, like intemperance, is one of the greatest curses which a country can be inflicted with."

Sensible and sincere. Considering the company by which it was played, it is ludicrous to describe the two games of baccarat as noxious gambling. As Mr. Benson says: "Gambling is not an absolute term, nor is it to be defined by one fixed set of figures. It is a question of proportion, and while a bet of a sovereign on the 'Derby' is culpable gambling on the part of a man whose wages are thirty shillings a week, it would be ludicrous misuse of language to call the same bet gambling if made by a man who had ten thousand a year." In the opinion of all save rigid teetotallers, alcoholic liquors are not to be written down as vicious in themselves because some men abuse the use of them.

⁶ Actually to ten pounds. Probably the Archbishop's memory betrayed him.

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Anent the counters, there is an interesting passage in Sir Edward Clarke's "The Story of My Life" :

"A short time before the case came on, Mr. George Lewis, who was the solicitor for all the defendants, came to me with a message from Marlborough House. Sir Edward Hulse had given the Prince of Wales a box containing the cards and counters to be used in playing baccarat. The counters were large and of bright colours. On one side was the value—£10, £5, £1, or 10s.—on the other the feathers of the Prince of Wales. These were the cards and counters used on the evenings of the alleged cheating." It was suggested that the defendants should produce at the trial not these counters themselves, but others of the same size and colours, but without the gilt feathers; to which proposition Sir Edward Clarke could not consent.

V.

The signing of the Document by Sir William Gordon-Cumming was unquestionably a weak thing for him to do, but it was natural, considering the influence and the arguments brought to bear upon him by the intimate and trusted friends in whose hands he had placed himself. This matter could scarcely be more forcibly dealt with than it was in *Truth* :⁷

"I confess that I attach very little importance to Sir William having signed a document which was tantamount to an admission of the truth of the charge. What had happened? The lads and ladies, still keeping everything secret from the sensible owner of the house in which all these pranks were being performed, took Lord Coventry and General Williams into their confidence. It would seem by the *précis* that these two wiseacres drew up, that they had a very vague idea themselves as to what the exact allegations against Sir William were. They, however, picked up, in a general way, that certain persons accused him of cheating, and having done so, they agreed, before asking him what he had to reply to the charge, that he ought to sign an admission of guilt. Suddenly they burst in upon him whilst he was

⁷ 11th June, 1891.



Sir William Gordon-Cumming, Bart.

THE TRIAL

WITHIN THE

LAW COURTS, QUEEN'S BENCH DIVISION, LONDON,

MONDAY, 1ST JUNE, 1891.

Judge—

THE LORD CHIEF JUSTICE (Lord Coleridge).

Counsel for the Plaintiff—

The SOLICITOR-GENERAL (Sir Edward Clarke, Q.C.)

Mr. C. F. GILL.

Counsel for the Defendants—

Sir CHARLES RUSSELL, Q.C.

Mr. H. H. ASQUITH, Q.C.

Mr. CHARLES W. MATHEWS.

Mr. ARTHUR RUSSELL.

Mr. HENRY L. LOPES.



First Day—Monday, 1st June, 1891.

The LORD CHIEF JUSTICE—Sir Edward Clarke, His Royal Highness the Prince of Wales is in attendance, and I am sure you will agree with me that it is not desirable that he should be kept waiting longer than is necessary. Perhaps you may be able to indicate how long His Royal Highness will be required to remain?*

The SOLICITOR-GENERAL—It is not possible for me to say with absolute certainty now whether His Royal Highness will be called as a witness for the plaintiff, but I shall perhaps have occasion to mention the subject in opening the case. We shall certainly desire to consult the convenience of His Royal Highness.

The LORD CHIEF JUSTICE—His Royal Highness attends, not as a spectator, but on the summons of the parties.

Mr. GILL opened the pleadings.

Opening Speech for the Plaintiff.

The SOLICITOR-GENERAL—May it please your lordship, gentlemen of the jury—you heard from the statement of the pleadings which has just been made by my learned friend, Mr. Gill, who, with me, has the honour and responsibility of appearing for Sir William Gordon-Cumming in this matter, what is the question which you have to decide. It is a simple question, aye or no, did Sir William Gordon-Cumming cheat at cards? It is a serious question, involving his honour, his reputation, his whole career. It is an interesting question, for, as you know, the interest of this case is not confined, and could not be confined, to those who are actually parties to it. The matter has been, as we know, discussed already in the press and elsewhere, and the persons whose names are mentioned in the case, some of whom will necessarily be called as witnesses before you, are persons of the highest station and consideration, and the circumstances out of which this accusation arose were circumstances of a character which have naturally made them a matter of great public interest. Comments have been made in the press upon the conduct of the gentleman whom I represent, and some of you gentlemen may have read those

* The Prince was present throughout the Trial.

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comments and may have been led already to form an impression, it may be adverse to the plaintiff, in this matter. I am satisfied, however, gentlemen, if any such opinion has suggested itself to your minds; if you have formed an imperfect judgment, on imperfect information as to what the circumstances of this case have been, I am quite sure that I, as Sir William Gordon-Cumming's counsel, can trust you at once to dismiss all such impressions from your minds, and to set yourselves steadily to discharge the responsible duty of deciding upon this case, determined to come to your decision guided simply by the evidence which is given before you and by your conscientious judgment upon that evidence when you have thoroughly considered it. I have said, gentlemen, it is a grave and important case; that it involves the honour and the future career of a gentleman and a soldier. Sir William Gordon-Cumming is not yet forty-three years of age, but for twenty-three years he has served his country in the army, and served it with distinction. In 1879 he was in the Zulu War, and fought in the battle of Ulundi, and he wears one clasp upon his medal for that war. In 1883 he was in the trenches of Tel-el-Kebir, and wears the Egyptian medal with one clasp for that engagement. In 1884 he was in the Camel Corps in Egypt, and for engagements at the wells at Gubat and at Abu Klea he has two clasps. He has risen in the service which he has been in so long, till now he is Lieutenant-Colonel of the Scots Guards. He comes of an old family. He is not a man of scanty means. He is a baronet, with a place in Scotland and a residence in London, and he has for many years past appeared to enjoy everything that would make life happy and pleasant; serving with great reputation in a profession to which he was devoted and in which he had distinguished himself; with ample means, and enjoying the friendship of the most distinguished, most considered, and most illustrious persons in the land. He now finds himself in Court here to face an accusation that he, after a life hitherto so spent in the enjoyment of privileges and advantages such as those I have pointed to, suddenly descended to cheat at cards, to attempt to rob one or two of his oldest friends. Now, gentlemen, it is a grave accusation, and one that wants to be seriously considered. In opening this case to you I shall as far as possible avoid any comment upon the conduct of those persons who have been concerned in the matter and through whom this accusation has arisen; and, if it be necessary to make comments, they must be made by me at a later stage of the case. In opening the case to you I desire to put, as simply as I possibly can, and without attempting to distribute blame amongst any of those who

Opening Speech for Plaintiff.

The Solicitor-General

are mentioned, the circumstances out of which this accusation arose.

In the Leger Week in 1890 Sir William Gordon-Cumming was invited by Mr. and Mrs. Arthur Wilson to stay for a few days at their house at Tranby Croft for the Doncaster Races, Tranby Croft being situated not far from Doncaster. I have told you that Sir William Gordon-Cumming enjoyed the most distinguished friendships and acquaintances. He has been honoured with the acquaintance of the Prince of Wales for twenty years, and for ten years the Prince has honoured him by his personal and private friendship. As long ago as 1881 Sir William Gordon-Cumming was the guest of the Prince and Princess of Wales at Sandringham, and on two occasions since then he has been admitted to that honour; and up to the night of the 10th September, 1890, there had been upon the part of His Royal Highness towards Sir William Gordon-Cumming a constant and sustained friendship—a friendship of personal intimacy, greatly honouring to, and greatly prized by, Sir William Gordon-Cumming; and there is no doubt it was rather as a friend of His Royal Highness the Prince of Wales than as a personal friend of Mr. and Mrs. Arthur Wilson that Sir William Gordon-Cumming was invited to form one of the party at Tranby Croft in September, 1890. Sir William Gordon-Cumming had not known very much of the Wilsons. He had stayed at their house at Tranby Croft for two or three days in the year 1885 for the Doncaster Races, and he had the pleasure of dining at their house in London upon some few occasions, but that was all the knowledge he had of Mr. and Mrs. Arthur Wilson. You have heard the names of the defendants in this case: Mrs. Arthur Wilson, her son, Arthur Stanley Wilson, Mr. and Mrs. Lycett Green, Mrs. Lycett Green having been a Miss Wilson. In the year 1885 Mr. Lycett Green married Miss Wilson. Sir William Gordon-Cumming's acquaintance with them was, therefore, of a very slender kind indeed. He met Mr. Lycett Green once in the year 1888, and dined at his house in York upon that occasion, but with that exception, I believe he had not seen Mr. and Mrs. Lycett Green until he went to Tranby Croft in September, 1890. Mr. Arthur Stanley Wilson he had not seen and did not know at all at the time he went as a guest to Tranby Croft in 1890. .

Now, gentlemen, the party was made up in London, and on Monday, the 8th of September, 1890, Sir William Gordon-Cumming travelled down to Tranby Croft with His Royal Highness the Prince of Wales and other members of the party who were assembling for the races. They arrived at Tranby Croft upon the afternoon of the 8th of September,

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and I suppose the first assembly at the house was when they met at dinner upon the evening of the 8th. I need not go through a list of those who formed the party assembled at Tranby Croft, though the names of some of them, of course, will have to be mentioned, but there is no necessity now for my going through a list of the names of those who had nothing whatever to do with the circumstances that afterwards took place; suffice it to say that amongst those who went down in this party were Lord Coventry, General Owen Williams, and Mr. Berkeley Levett, who was a subaltern in the 1st Battalion Scots Guards, and known, of course, to Sir William Gordon-Cumming. The other names I need not trouble you with, because I do not think they will be mentioned, or, at all events, many of them, in the course of the case. They dined at Tranby Croft upon the evening of the 8th of September, and after dinner there was music and conversation, and at about eleven o'clock some one suggested the playing of baccarat. It appears that Tranby Croft was not a place where baccarat had been played before. They had no proper table for playing baccarat, and it appears that upon this occasion, in the library of the house, or in some room where there was a good deal of furniture, three whist tables were put together in order to form a baccarat table.

I may assume that a good many of you are not acquainted at all with the game of baccarat, and it is necessary that I should explain to you how the game is played, and I think before you have mastered the game you will see how important it is to note with regard to any circumstances that took place at that game what the opinion and belief is of two persons who are sitting at the baccarat table. Now, let me tell you, gentlemen, how the game of baccarat is played. At a place where this game is habitually played, the table intended for the purpose of playing baccarat has a line along it near the edge, behind which the players keep their stakes. A bank is kept, and the banker and the croupier are, so to speak, partners in the bank. The banker says that he will make a bank of a particular sum, and the banker sits upon one side of the table, the croupier sitting opposite to him. Four packs of cards are taken—that is, 208 cards shuffled up together—and placed in front of the banker, slanting thus, forming a large heap of cards, from which the banker from time to time takes those he wants to use for the immediate purpose of the game. The banker proceeds to deal, but he does not deal to all the players, but only two persons, besides the banker himself, receive any cards, the table being divided into what are called two tableaux. All the players upon the right of the

Opening Speech for Plaintiff.

The Solicitor-General

bank make one tableau, and their success or loss depends upon the cards dealt to one of their number, and all the players upon the left form another tableau, there being one player sitting upon the left, to whom the cards are dealt. I am bound to say it seems to me to be about the most unintelligent mode of losing your own money, or getting somebody else's, I ever heard of, because it appears that there is no room in any part of the game for anything like what may be called skill or judgment. However, it is a favourite game in some places, and I suppose has its attractions, and it is played in the way I am now describing. The dealer, taking the cards, proceeds to deal one card face downwards upon the right to the player there who represents that tableau; he puts one card face downwards upon the left to the corresponding player for the left tableau, and one card face downwards to himself. He repeats that process by dealing another card face downwards to the player on the right, to the player on the left, and to himself. Then he looks at his cards, and unless he declares or shows his cards, he offers a card to the other two players. Either one of them may take one card and no more, and that card is laid down upon the table face upwards. The object is to get eight or nine. If a player receiving cards gets a three and a six, he has nine, which is a "natural," or if he receives a three and a five that makes eight, which is also a "natural." The player declares his cards, and if the dealer has not equally good cards, he loses the whole of that side of the table. Any player may stake, subject to conditions as to the amount of the bank, as much as he pleases. Except in the case of the player receiving the cards, the other players make their stakes without receiving any cards at all, trusting simply to what happens to the cards dealt to the player representing the tableau. The result is declared, and the banker wins or loses as the case may be, on the one side or the other, or both sides, and the croupier who sits opposite and takes care of the counters representing the amount of the bank, has the duty of paying to those who have won, and of receiving from those who have lost. In this game it would, of course, be troublesome to use coins and thereby have a great amount of coin upon the table, and it would be, I do not say impossible, but unsatisfactory, to use pieces of paper with sums of money upon them, for a reason which I will show you presently. It is important to the banker as well as the croupier to see what has been staked by each of the players sitting at the table, and, therefore, instead of using either coins or written paper, counters are used made of leather, of different patterns, different sizes, and different colours, representing

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different amounts of money. I have in my hand specimens of counters for different amounts: the brown one I hold in my hand is marked £10; here is one for £2, and another for £1, and this bright red one is for £5, and then there are some smaller ones representing 10s. and 5s. The observation you will make at once upon that, gentlemen, I think, is that these counters are very well adapted for the purpose of playing this game, because it is extremely easy to see what it is that has been staked by any of the players: and that is one of the reasons, I presume, why these counters are used, and why they are made of different sizes and different colours, because it is most important, as I have said, to the banker that he should know what has been staked by his opponents. The bank is limited to a particular amount, and upon the occasion of the two nights in question they began by the bank being limited to £100, and the meaning of that is that the banker gets £100 worth of counters and proceeds to play with them. He cannot lose more than £100, because when he has lost all his counters his bank is at an end, and he never can be called upon by the players to pay more than is represented by the counters that are actually at the time in the hands of the croupier.

But there is another reason, and a very strong reason, why the banker would be keen to see what each player had staked on either side, and though it is a little difficult to explain, I will try and make it as simple as possible. The banker is playing against two separate players. Now supposing the banker had seven, and the player upon his right had six, and the player upon his left hand eight, the banker would have to pay the eight and would receive from the six; he would pay all that was staked upon the side where the cards were lying with eight and receive all that was staked upon the side where the cards were lying with six; and when the banker has to consider the question of whether he shall take a third card or not, he always looks to see upon which side of the table there is more money, or whether it is equal. The only question arising, as I understand, upon which there is any difference of opinion is whether when you have got five you should take another card or not. If you have four you always take another card. If you have six you never take another card. If you have five it is a question whether you shall take another card or not, because the object being to get nine you may by taking another card be worse off than you were before. Tens do not count. If your two cards together make thirteen your score is three. If your cards are two and a court card your score is two. If you have a three and a one, making four, and you take a card and get a nine, your

Opening Speech for Plaintiff.

The Solicitor-General

score, instead of being four is only three, so that you are worse off than you were before because you cancel the ten and only count the remainder. Therefore the banker who has got to decide whether he will take another card himself has to be guided by knowing what the cards are that have been turned up face upwards upon the right-hand and left-hand sides respectively, and also it may depend upon the amount of money which is on either side as to whether he thinks it worth while to take another card or not. Supposing, for instance, he had dealt to the player upon the right-hand side a card face upwards making nine, he would know that that player could not have more than four, because if the player had originally had six he would not have taken a further card at all, and if he had five and decided to take a further card and drew a nine then he could only be four, so that the banker in that case would know if he had a six in his own hand he would be sure to win the money upon that side of the table. Then, as to the other side, whether he should play against it would depend equally upon the card that he had turned up there, and if he knew that he was going to win upon one side where the larger amount of money was he would probably rest content by taking the money that had been staked upon the side he won upon, being prepared to pay the smaller amount upon the other side. Therefore, as I have endeavoured to point out to you, the amount of money that stands upon the tableau as staked by the individual players is of great importance to two persons, namely, the banker and the croupier.

The two occasions upon which it is alleged that Sir William Gordon-Cumming cheated at baccarat His Royal Highness the Prince of Wales was the banker and General Owen Williams was the croupier. I do not doubt that it will be my duty to put into the witness-box His Royal Highness the Prince of Wales and General Owen Williams, and I think I shall satisfy you by their evidence that upon those two evenings, when they were the two persons directly interested and concerned in noticing the stakes of the players, they saw nothing of any improper practice upon the part of Sir William Gordon-Cumming. Now, gentlemen, I have described, not indeed in great detail, but I hope I have succeeded in making reasonably intelligible, the game which they were playing at this place, Tranby Croft. But there is one additional matter I must mention to you which is of importance. I have told you that it would be important for the banker to note what money was upon either tableau, and the banker always does note it, being anxious, as a rule, to have the two sides of the table pretty even. and

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where it so happens that a much larger amount is upon one tableau than upon the other it is quite usual for the banker to call attention to the circumstance, and then a player who is sitting upon the side where the larger amount of money is sometimes says: "I will go for £5, £10, or £20 upon the other side," not putting the money upon the table, but stating the amount, and so putting a stake upon the other tableau, in order, as is desirable, to equalise the two sides of the table. Upon the evening in question at Tranby Croft Sir William Gordon-Cumming will tell you that either upon two occasions or three, certainly on two occasions, attention was called by the banker to the fact that there was not so much money upon one side as the other, whereupon Sir William Gordon-Cumming said, "I will go £25 upon the other side," not, of course, putting the coin down to represent it, but saying it, and saying it in the hearing of everybody, and winning and receiving from General Owen Williams his money upon both these occasions.

Now, gentlemen, that is the way in which this game is played. Upon the evening of the 8th, as I have told you, they had no baccarat table, but three whist tables were put together, which certainly would not give room for many players. They were sitting tolerably close together, and the others of the party who were not playing were standing about in the room, where I believe smoking was going on and glasses were upon the table. However, it was a very small affair, three whist tables being put together, and the players sitting pretty closely together. Upon that evening Mrs. Wilson was sitting next to His Royal Highness the Prince of Wales, and next to her was sitting Mr. Levett. Then came Mr. Arthur Wilson, then Sir William Gordon-Cumming, and then Lord Edward Somerset, and then General Owen Williams. Sir William Gordon-Cumming was sitting next but one to the croupier who had to receive and pay the money, almost opposite to His Royal Highness the Prince of Wales, who was dealing the cards. There was one other person who had a duty connected with the game which I may as well mention, and that was the duty of dealing with the counters, and Mr. Reuben Sassoon on both those evenings took charge of the counters. He let the players have as many counters as they wanted, taking a note of the amount they had so received, and at the end of the evening's play each player returned the counters he had in his possession. Mr. Reuben Sassoon made a note as to whether he owed money or was to receive, and at the end of two or three days' play, as the case might be, that would be settled by Mr. Sassoon.

Upon this occasion I have told you the position in which

Opening Speech for Plaintiff.

The Solicitor-General

these ladies and gentlemen were sitting. The tables were not of equal height; the table at which His Royal Highness was sitting as banker was the middle table and higher than the others, so that it was rather difficult to get in the counters. As a rule, I believe a rake is used—the croupier has a small rake and draws towards him by means of that rake the counters lying upon the table, but that could not be done with tables of uneven height, and Sir William Gordon-Cumming having a paper before him for another purpose, which I will mention in a moment, put his stake upon that paper, and when the coup was decided handed it up upon the paper to General Owen Williams. The game was played for about an hour and a half upon that occasion. There was nothing, so far as I know, very remarkable about the play, and it did not get to very large amounts, but in the course of an hour and a half a great many coups are played. You have 208 cards in the four packs, and a single coup cannot take more than nine cards and may take fewer, so that you see there must be a large number of coups before the four packs are exhausted. The result of the evening's play was that Sir William Gordon-Cumming won, I think, £100, and some joke was made or something was said about his winning upon that evening, and that he had been very fortunate. I told you that Sir William Gordon-Cumming had a paper in front of him, and that was a paper which he is in the habit of keeping, and which players at baccarat will know as a tableau. Persons who play these games, involving no skill and nothing but absolute chance, very often have an idea of a system—they follow a particular system and make a rule as to the money they will put upon the card. Sir William Gordon-Cumming, as a rule, acts upon a system and keeps a paper upon which he puts "B" and "P," representing "Banker" and "Player," and he puts down in pencil in dots when either the banker or player wins, so that at the end of the evening, by looking at his tableau, he is able to see how many times the banker won and how many times the players have won. But that is not the object of keeping the record, although Sir William Gordon-Cumming is in the habit of doing this. He may put down £2, or £5, as the case may be, upon the first coup, and, if he wins that, instead of withdrawing the stake which he had put he receives that stake from the croupier and adds another to it from his own counters, so that the second stake is three times the first. If he stakes £5 he would put a £5 counter down, and on his winning the croupier would give him a £5 counter, and he would take from his own stake another £5 counter, and put it down, so that those three counters would

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be his stake for the next coup. Of course, if you go on doubling your stakes you must eventually lose the whole, and the only possible way of winning is to increase your stake, and then stop after a certain time. Players at these games of absolute chance generally say if you succeed once you had better put a little more on, and if you succeed a second time, or at the most three times, then you must go back to the original stake and keep the winnings.

That was Sir William Gordon-Cumming's way of playing at the game. He kept his tableau, and upon the following evening something was said to Sir William Gordon-Cumming in a familiar and friendly way by His Royal Highness as to his winning, and he said: "Why, sir, I could not help winning with such a tableau as this," showing it to His Royal Highness, which tableau showed that young Wilson, who upon that occasion had been holding the cards for the side of the table upon which Sir William Gordon-Cumming had been sitting, had won no less than five coups in succession—no doubt winning money for himself, and no doubt also winning money for Sir William Gordon-Cumming, who probably won a larger sum than young Wilson himself. They played, as I said, for an hour and a half, and at half-past twelve the party broke up. The next day they met in the morning, and went to the races at Doncaster in two saloon carriages. The Prince was in one of the saloon carriages, and invited some of the party to join him, and Sir William Gordon-Cumming himself was in the saloon carriage with the Prince of Wales. They went to Doncaster Races upon the Tuesday, and lunched together in the middle of the day, and returned to Tranby Croft, there being no suggestion of any sort or kind that anything whatever had happened upon the Monday evening to call attention to the play of any person of the party. Upon the Tuesday evening they dined again, and about the same time in the evening again played baccarat. At this time they had a different table. The table the previous night had been complained of, and a table had been arranged which was put in the billiard-room, between the billiard table and the fireplace, and was covered with baize; and upon this table I believe some line of white chalk had been marked round as the place where the players were to keep their counters. It was not a regular baccarat table, and I think you will hear that the line was very much nearer to the edge of the table than is usual with baccarat tables, so that really it was impossible for the counters to be kept within the line and the edge of the table. Upon this occasion Sir William Gordon-Cumming was playing again, but he was playing at the right-hand tableau of His Royal Highness instead of the left. He was sitting

Opening Speech for Plaintiff.

The Solicitor-General

again next but one to General Owen Williams, the croupier, and between them and General Owen Williams was sitting Lady Coventry. She was playing, but had never seen the game before, and I think Sir William Gordon-Cumming explained it to her as far as was necessary, and she was playing for some small 5s. or 10s. stakes. Next to Sir William Gordon-Cumming on that evening sat Mrs. Lycett Green; next to her, Arthur Stanley Wilson; next to him, Mr. Lycett Green; and I am not sure whether any one else sat between Mr. Lycett Green and His Royal Highness.

They played again in the same way that evening, and there was a remarkable run of luck on the part of Mr. Arthur Stanley Wilson, and Sir William Gordon-Cumming spoke to him in regard to it; it was said he was a novice, and that novices were supposed to be lucky at games of cards, and Sir William Gordon-Cumming said to him that he should follow him, he being a novice, and he turned out right, because he won five coups in succession. That party again came to an end after about an hour and a half's play; and the next morning, the morning of the 10th, was the principal day of the Doncaster Races.

The party again was to go to Doncaster by train in the saloon carriages in the way I have mentioned. On that morning of the Wednesday news came to Tranby Croft about ten o'clock in the morning that Mrs. Wilson's brother had died at Hull, and something was said about the party breaking up. A message was sent by Mrs. Wilson expressing the hope that the party would not break up, and about eleven o'clock of that day Mrs. Wilson met Sir William Gordon-Cumming and pressed upon him not to leave the house in consequence of the news which had come, but to go to the races and let the visit come to an end in the ordinary way. It is startling to know that at the time Mrs. Wilson urged Sir William Gordon-Cumming to stay at this house, and go to the races and return to the house and not to let it interfere with the visit, she and the other defendants had all been in consultation with regard to Sir William Gordon-Cumming having cheated at cards, and that communications had taken place between some of them as early as the evening of the 8th of September, being the Monday, with regard to the accusation to be made against Sir William Gordon-Cumming. Not a syllable had been said about it; no sign had been given in their behaviour to Sir William Gordon-Cumming that there was any sort of suspicion of this kind in their minds; and on the evening of Wednesday, the 10th, about eight o'clock, when he was going to dress for dinner, Sir William Gordon-Cumming was astounded by receiving a visit from Lord Coventry, who told him that people who

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were in the house were making statements with regard to his cheating at cards, and that it was a very serious matter. Now, I am not going to attempt in detail to give conversations which will have to be proved in evidence before you, conversations in regard to which we have some records, which I am glad cannot be challenged or altered now, but Sir William Gordon-Cumming at once, and peremptorily and absolutely denied the charge, and it cannot be suggested that from beginning to end of the transactions that evening he for a moment wavered from that peremptory and distinct denial that there was any truth in it. He begged to be allowed to see the Prince of Wales, but just then the dinner bell rang; they dressed for dinner; at dinner they all met in the usual way, and on the same friendly terms. The evening was spent in conversation and music; and a little later, towards eleven o'clock, Sir William Gordon-Cumming was allowed to see His Royal Highness. His Royal Highness consented to see him in the presence of Lord Coventry and General Owen Williams, and an interview then took place, at which Sir William Gordon-Cumming denied most positively to His Royal Highness that there was any sort of truth in the statement, and appealed to him as to whether he could believe that he, who had been allowed the honour of his acquaintance and friendship, could have been guilty of such a disgraceful thing as was suggested with regard to him. The interview came to an end, and Sir William Gordon-Cumming was told that he would be communicated with afterwards. Before any communication was made to him, Mr. Lycett Green, and one or two others of the defendants, saw the Prince of Wales, and His Royal Highness did not see Sir William Gordon-Cumming again, but Lord Coventry and General Owen Williams brought to Sir William Gordon-Cumming a document already prepared which they called upon him to sign, and his signing of which they told him was absolutely necessary in order to avoid a terrible social scandal. I am asking now for the document which was, when signed by many persons, left in the keeping of His Royal Highness the Prince of Wales, and I am glad that it is not the only document which I am able to refer to. Lord Coventry and General Owen Williams naturally thought, when circumstances of this kind occurred, that there should be left on record a full and complete account of the whole matter as they knew it, and they therefore drew up a précis or record of the matter, giving, as they said, an accurate account of all the circumstances. They signed that document, and handed it to the custody of His Royal Highness the Prince of Wales, in order that it might be kept, with the undertaking which I have now in my hand. Sir Francis

Opening Speech for Plaintiff.

The Solicitor-General

Knollys was good enough just now to hand it to Mr. Lewis.* It does not come from the possession of the defendants, but was in the possession of His Royal Highness the Prince of Wales, whose equerry has given it to Mr. Lewis. I propose to read at once the document signed by Lord Coventry and General Owen Williams, which records the whole of this matter as they knew it.

Sir CHARLES RUSSELL—Before my learned friend reads this, let me say it is of course not evidence against the defendants. They were no parties to this précis or statement to which my learned friend has referred; but as, I gather, my learned friend intends to call those who did prepare it, namely, General Owen Williams and Lord Coventry, I have no objection upon that understanding to its being read. Unless my learned friend intends to call General Owen Williams and Lord Coventry, who are the signatories to that document, it of course cannot be said to be in any way evidence against the defendants.

The SOLICITOR-GENERAL—I do propose to call General Owen Williams, but, inasmuch as I must leave somebody whom I shall have an opportunity of cross-examining, I do not propose to call Lord Coventry.

Sir CHARLES RUSSELL—I should not in a case of this kind, if my learned friend does not feel at liberty to call Lord Coventry, insist upon any such objection, although, at the same time, as I have already said, it cannot be said in any way to be evidence against the defendants.

The SOLICITOR-GENERAL—I think General Owen Williams, who is quite able to prove this, will be sufficient.

The LORD CHIEF JUSTICE—If General Owen Williams signed it, and he is to be called, it is none the less evidence.

Sir CHARLES RUSSELL—It would not then be evidence against the defendants if General Owen Williams is called.

The LORD CHIEF JUSTICE—But if they call General Owen Williams they would probably put it in his hands, and say: "Did you write that?"

Sir CHARLES RUSSELL—Even in that view it would not be evidence against the defendants, who were no parties to it.

The LORD CHIEF JUSTICE—No, not in itself.

The SOLICITOR-GENERAL—I hope it will not be understood that I am saying that the fact that there are certain statements here must be taken as absolutely conclusive evidence against the defendants as regards what took place; but it is, as you will readily see at once, gentlemen, of cardinal importance in this case; for when two persons who, because

* Solicitor instructing the counsel for the defence. Afterwards Sir George Lewis.

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of their experience and position in society, were considered to be persons who safely might be consulted with regard to a case of this kind deliberately set down a full statement of the transaction as they knew it, it is most important for the jury, who have to judge what did take place, to see what their account was. I will read to you the statement :

For the Doncaster Race Meeting of 1890 the following party were the guests of Mr. and Mrs. Arthur Wilson at Tranby Croft :— His Royal Highness the Prince of Wales, Hon. H. Tyrwhitt-Wilson, the Earl and Countess of Coventry, the Earl of Craven, Lord Edward Somerset, Lady Brougham and Vaux, Count Henry Lützow, Captain the Hon. A. Somerset, Sir William Gordon-Cumming, Lieutenant-General and Mrs. Owen Williams, Mr. and Mrs. Lycett Green, Mr. Christopher Sykes, Miss Naylor, Mr. Berkeley Levett, Mr. R. Sassoon, and Mr. Wilson (the son of the house).

On the evenings of the 8th and 9th September the party played at baccarat.

After returning from the races on the 10th inst., Mr. Lycett Green (having previously taken counsel with his father on the matter) made a statement to Lord Coventry to the effect that his brother-in-law, Mr. Wilson, had told him on the evening of the 8th that Sir William Gordon-Cumming systematically placed a larger stake on the table, after the card had been declared in his favour, than he had originally laid down, and when the cards were against him he frequently withdrew a portion of his stake, by these means defrauding the bank. This conduct had also been noticed by Mrs. Arthur Wilson—who informed her husband of what she had seen—Mrs. Lycett Green and Mr. Levett having been also acquainted with the facts. It was agreed that they should all carefully watch the play on the following night, when Sir William Gordon-Cumming was again observed most distinctly to repeat the same practices. Lord Coventry, on hearing this, consulted General Owen Williams as to what steps should be taken in the matter. Mr. Lycett Green repeated his statement to both of them, in the presence of Lord Edward Somerset, Captain Arthur Somerset, and Mr. Wilson, and added that those who had watched were quite prepared to swear to the accuracy of the report. The matter having thus been placed more or less in the hands of Lord Coventry and General Owen Williams, they decided that it was imperative upon them to inform the Prince of Wales immediately of what had occurred, and after mature deliberation they agreed to suggest to His Royal Highness that, for the sake of all concerned, and for society at large, it was most desirable that the circumstances should not be allowed to transpire outside the immediate circle of those already acquainted with the facts, but, as a condition of silence, Sir William Gordon-Cumming must be made to sign an undertaking never again to play cards for the rest of his life. His Royal Highness, having been placed in possession of all the details of the case, and this suggestion being made to him, agreed that such a solution was

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possible. Lord Coventry and General Williams then went to Sir William Gordon-Cumming and informed him that he was accused of cheating at baccarat. This charge he denied emphatically, and begged to be allowed to see the Prince of Wales, who consented to see him, provided Lord Coventry and General Owen Williams were present. The interview took place. Sir William again denied the truth of the accusation, but was told it was utterly useless to attempt a denial in the face of the distinct evidence of so many totally unprejudiced persons, whose interest it was that no scandal should have happened in the house. The Prince of Wales afterwards saw Mr. Lycett Green, Mr. A. Wilson, Mr. Levett, Mr. J. Wilson, Lord Edward Somerset, Captain Arthur Somerset, and Mr. Sassoon, all of whom were acquainted with the circumstances of the case, and listened to their verification of the account which had been already given him.

It was pointed out to these gentlemen that an *exposé* would mean a horrible public scandal, and as it was most expedient that this should, if possible, be avoided, they were asked whether they would be willing to keep silence with regard to what had taken place on condition that Sir William Gordon-Cumming signed an undertaking never again to play cards for the rest of his life. To this they all agreed, and declared that they would do their utmost to prevent the matter from transpiring. Lord Coventry and General Williams then saw Sir William Gordon-Cumming, and explained that the only possible condition on which silence could be maintained would be that he should sign the undertaking before mentioned. At the same time they clearly pointed out that his signature to this would be a distinct admission of his guilt. Quite understanding, he signed the document, which was afterwards signed also by the gentlemen who were cognisant of the facts, and then given to the safe keeping of His Royal Highness the Prince of Wales. Sir William Gordon-Cumming left Tranby Croft early the following morning.

These circumstances were not known to Lady Coventry, Lady Brougham, Mrs. Owen Williams, Miss Naylor, Lord Craven, Count Henry Lützow, nor Mr. Christopher Sykes, all of whom were staying in the house at the time.

The above is an accurate statement of all the facts of the case.

COVENTRY.

OWEN WILLIAMS.

The last sentence of that, that it is an accurate statement of all the facts of the case, can hardly perhaps be accepted now, because it is only right I should tell you at once that the defendants in their answers to interrogatories have denied the agreement to watch Sir William Gordon-Cumming, which is specifically stated in that memorandum to have been made; and, on the other hand, it is certainly the fact, and I shall prove it by General Owen Williams, when in the box, that with regard to the suggestion that signing this

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document was a confession of guilt, that that suggestion was made by Sir William Gordon-Cumming, who objected and refused to sign the document at first, because, he said, it would be a confession of guilt; and then they said it might be so, but there was no other mode of escaping a horrible public scandal. Gentlemen, I said I would make no comment on the behaviour of persons who were concerned in this case; but it is an extraordinary thing that two men of the knowledge and experience of General Owen Williams and Lord Coventry could have imagined that such a thing as this could be kept secret, when it was known to so many persons. The paper which was signed by His Royal Highness the Prince of Wales, and by other persons whose names I will read to you, and signed by Sir William Gordon-Cumming, is this: "In consideration of the promise made by the gentlemen whose names are subscribed to preserve silence with reference to an accusation which has been made with regard to my conduct at baccarat on the nights of Monday and Tuesday, the 8th and 9th September, 1890, at Tranby Croft, I will on my part solemnly undertake never to play cards again as long as I live." Signed by Sir William Gordon-Cumming; and then come the signatures: Albert Edward, Coventry, Owen Williams, Arthur Wilson, Arthur Somerset, Edward Somerset, Lycett Green, A. Stanley Wilson, Berkeley Levett, and R. D. Sassoon.

Now, how these gentlemen can have imagined that this arrangement would prevent the matter being mentioned I cannot conceive. This is signed by gentlemen only; but there were ladies cognisant of the matter, and it would be difficult for them to keep the secret. Some of the men who knew the secret were married, and it would be impossible for them to keep it. In a very few weeks, at all events after this document was signed, there is no doubt it was becoming a matter of conversation that this incident had happened, and that Sir William Gordon-Cumming had been accused of cheating at cards. I do not suggest that any of the defendants who signed this undertaking had anything to do with repeating the story which they had promised not to divulge. In the course of the case it may be interesting to find out, and we may have to find out, through whom it was this matter became a matter of public talk. But I do not suggest that Mr. Lycett Green, or Mr. Arthur Wilson, or Mr. Berkeley Levett, who signed this document, had anything to do with making this matter public. Now, this document signed by Sir William Gordon-Cumming has been published in the papers. The fact is known that he signed it, and it has led to comments to which I referred when, at the beginning of my opening, I was speaking about

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the possibility of your having, on imperfect information, formed an opinion against Sir William Gordon-Cumming; and it has been said that Sir William Gordon-Cumming would not have signed that document unless he knew that he was guilty. I will point out to you, gentlemen, reasons for coming to a precisely opposite conclusion; not only that his signing that document involved no admission on his part that he was guilty in this matter, but the fact that that document was signed by His Royal Highness the Prince of Wales, by General Owen Williams, and by Lord Coventry is a conclusive proof that they did not believe that Sir William Gordon-Cumming was guilty of the offence charged against him. What was it that was brought to bear on Sir William Gordon-Cumming in this matter? Staying at that house in the circumstances I have mentioned, having gone there honoured, as I told you, by the friendship of His Royal Highness the Prince of Wales, there came to him General Owen Williams and Lord Coventry with a prepared document, brought as an ultimatum for him to sign, and they say to him, "Unless you sign it there will *to-morrow* be a horrible scandal connected with the playing of baccarat at Tranby Croft." I cannot but think that those gentlemen exaggerated the terrors of the scandal which they were seeking to prevent. They have not been able to keep it private; and now all that took place at Tranby Croft is matter of public discussion, and there is nothing after all so very terrible about it. Baccarat is a gambling game, and there are houses and great houses in England undoubtedly where it would not be allowed; but after all there is nothing wrong in playing it under these circumstances and at this time; and if English gentlemen, whatever position they may hold in society, choose to amuse themselves in this fashion, I do not know that there is any reason for talking about a terrible society scandal—a terrible public scandal—because of playing games of cards like baccarat. As to the accusation against Sir William Gordon-Cumming, the one mistake that Sir William Gordon-Cumming made in this case, which he most deeply regrets, is that he allowed himself to be persuaded by the advice of old friends like Lord Coventry and General Owen Williams, for with General Owen Williams he had been for twenty years and has been since this occurrence upon terms of personal friendship—the mistake was that he took the advice of those men whom he thought his friends and consented to make, what was not so great a sacrifice perhaps, a sacrifice of playing cards in the future, in the hope that he might avoid that scandal which they seemed so to dread, a scandal which, as he supposed, and as was represented to him, might be of most unhappy consequences to society at

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large. But, gentlemen, while he signed that, as I told you, he from beginning to end asserted his innocence of the charge; and I dare say it will occur to you if Sir William Gordon-Cumming had been thinking more of himself, and less of those who honoured him with friendship; if he had been the common cheat—which he must have been, if in these circumstances and in that company he tried to get money from his friends by dishonest means—he never would have signed a document like that. He, if a guilty man, would have been prepared to meet the accusation whenever it came and face it out to the end; and the fact that Sir William Gordon-Cumming signed that, regrettable as it is from the inferences which have already been drawn from that fact since it has been published, is, I submit to you, no sort of evidence that he admitted himself, or knew himself, to be guilty of this offence.

But the importance of this document is to my mind very much greater than this. Did His Royal Highness the Prince of Wales and General Owen Williams and Lord Coventry believe, when that document was signed, that Sir William Gordon-Cumming had cheated at cards at Tranby Croft? It is a question of vital interest. I do not say after what has taken place I am inclined to over-estimate the capacity for a judicial investigation of evidence which is possessed by Lord Coventry and General Owen Williams; but, at all events, they had seen the persons who were making this accusation, and they knew the circumstances as far as those persons could relate them, and they signed their names to this document. It is important to ask: Did they believe that Sir William Gordon-Cumming was guilty, or did they think, as they say, that the only way of avoiding a great public and social scandal was to get him to sign this, and in consideration of a promise of not playing cards in future on the one side to get the promise of secrecy on the other? If His Royal Highness the Prince of Wales and General Owen Williams and Lord Coventry had then believed Sir William Gordon-Cumming to be guilty they could not have allowed that document to be signed. I do not say that there has not been in any circumstances of this case some breach of the regulations of the army. His Royal Highness is a Field-Marshal in the army, and is familiar with the rule that, when an officer's conduct is impugned, it is his duty at once to report the imputation made upon him to his commanding officer, and to demand, for his own reputation's sake and the credit of the army, whose credit is involved in his own, that there should be an investigation at once. I do not say in any view of this case that there has not been a technical breach of that rule; but supposing it to be believed

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that this was a mistaken accusation, and Sir William Gordon-Cumming had not been shown to be guilty, then I think no one could complain that His Royal Highness the Prince of Wales and General Owen Williams had thought it unnecessary that an accusation so made should be mentioned to the commanding officer. But if His Royal Highness and General Owen Williams did then believe that Sir William Gordon-Cumming had been caught at Tranby Croft cheating at cards, it was impossible for them to make an agreement of silence with regard to such an act. It would have been allowing Sir William Gordon-Cumming, and this with the consent and sanction of a Field-Marshal of the army, to go back to his brother officers, to occupy his rank, to perform his duties as an officer and a gentleman in the British army, when it was known, and known to a Field-Marshal of the army, that he had been guilty of conduct which if mentioned to his commanding officer would result in an inquiry and in his ignominious expulsion from the service.

But if His Royal Highness the Prince of Wales and General Owen Williams were in this way affected by matters of duty with regard to the army, what about Lord Coventry? Lord Coventry is not a soldier, and is not bound by the regulations of the army to which I have referred, but he is bound by other regulations, the regulations and rules of honour, as strong and as strict as those which affect the army. I do not speak of the clubs to which His Royal Highness belongs, for he belongs to many; but Lord Coventry is a member of three clubs to which Sir William Gordon-Cumming belongs. He belongs to the Carlton, to the Turf, and to the Marlborough Clubs; and General Owen Williams belongs to the Turf and Marlborough Clubs, and perhaps to another to which Sir William Gordon-Cumming belongs. I believe my learned friend (Sir Charles Russell) belongs to the Turf Club; I belong to the Carlton; and if it were true that Lord Coventry knew Sir William Gordon-Cumming had been guilty of cheating at cards at Tranby Croft, and had been detected and exposed in cheating at cards, Lord Coventry would have no right to leave that man for another day a member of the clubs to which Lord Coventry himself goes, and in which he meets on equal terms of honour the other members of those clubs. It is impossible to conceive that these three gentlemen, His Royal Highness the Prince of Wales, General Owen Williams, and Lord Coventry, at the time that document was signed, believed that Sir William Gordon-Cumming was guilty. If they did not believe him to be guilty, why did they allow him to sign it? Because, I fear, there was pressing upon their minds, and urged by them in the strongest terms—terms almost of menace against

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Sir William Gordon-Cumming—the belief that the mere mention of the fact that at the Wilsons, at Tranby Croft, the Prince of Wales had been banker at a baccarat table would be of itself such a social scandal that any arrangement was necessary in order to prevent its coming out. They were mistaken in that. There is nothing in the whole course of this case which carries any imputation upon the Prince of Wales, or those who were at Tranby Croft with him at the time; but that is the meaning, and the only meaning, of their forcing Sir William Gordon-Cumming to sign this document; and the very fact that they did so is the completest proof that they themselves did not then believe he had been guilty of the offence.

Gentlemen, they did not believe it, but the defendants undoubtedly did. There was no ground for suggesting, and Sir William Gordon-Cumming does not suggest through me—he has said so already—that there was any wilful untruth or unfairness in the conduct of the defendants. That they believed they had seen him do what they allege in their answers to interrogatories, he has no doubt and I have no doubt; but the question for you is this—is Sir William Gordon-Cumming unworthy of the career he has led and the friendships he has enjoyed, or are these young people mistaken? Their statement now is not that which Lord Coventry and General Owen Williams recorded. In the paper which I have read to you, signed by those two gentlemen, it is stated that they were informed by Mr. Lycett Green that Sir William Gordon-Cumming had been seen repeatedly to add money to his stake when the cards had been declared in his favour, and to take away part of the stake when the decision was against him. They have now made their statement on oath in answer to interrogatories, that they never saw him—they do not allege that they ever saw him—withdraw part of the stake when the cards were against him. General Owen Williams and Lord Coventry, who were scared by this accusation into dealing unwisely and ungenerously, as I cannot help thinking, with their old friend and comrade, Sir William Gordon-Cumming, were acting in the belief that an accusation was made which it now turns out was never made at all, and an accusation more difficult to meet and explain than the one actually made. If you find these persons come and say, as they do in their answers to interrogatories, that they did see Sir William Gordon-Cumming adding money to the stake already upon the table after the cards were declared, and if you hear from my lips that I impute nothing to them in the way of unverity in regard to this matter, you will ask yourselves directly—how can the mistake have arisen?

Opening Speech for Plaintiff.

The Solicitor-General

It is a mistake that could easily have arisen, and if they had known the game better, or anything about it, or known the way in which Sir William Gordon-Cumming was playing, they would have seen that the very thing, which it was perfectly easy to see—the very thing which they allege to be a proof of his guilt—was an ordinary procedure in playing the game.

There is a most extraordinary statement in their answers to interrogatories. They say that the stake was changed after the cards were declared in his favour. Now, observe, if the man were intending to cheat at this or any game in the way here suggested, he would, on seeing his cards, know whether he had good cards or not, and might, if he were dishonestly inclined, increase his stake or diminish it, according to his inspection of the cards, but he would do that before the attention of everybody in the place, and especially that of the croupier who had to pay the money, was called to the amount of the stake upon the table. The moment the cards are declared at baccarat, all look round. The croupier and banker look round, and the croupier has the duty of taking the stake or not, and the moment it is declared he looks round to see how much the banker is going to win or lose on one side or the other, and it is impossible to suppose that a dishonest man would wait until the very moment at which the croupier's attention would be fixed upon the stake, in order to meddle with the stake that had been put upon the table. But the man who was playing as Sir William Gordon-Cumming played, that is to say, when he won the coup, not taking back the £5 counter that lay upon the table, but meaning to play the next coup with another £5 counter of his own and the £5 counter which he would get from the croupier, he would, in the ordinary course, and natural and honest course of things, be seen by somebody to put down another £5 counter upon the one lying there, and if he were playing coup after coup in that way, it is in that way perfectly simple, and a thing which would have explained itself to any one familiar with playing coup after coup at baccarat. It is perfectly possible that they did see Sir William Gordon-Cumming, after the cards were declared, put another counter on the table, but it was not that he should be paid by the croupier the amount of the two, nor is there in their affidavits the smallest suggestion that they ever saw General Owen Williams, the croupier, pay to Sir William Gordon-Cumming more than they had noticed that he staked in the first instance. It was put there in order that the one to be handed over to him by the croupier might be added to the other two. I have said,

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gentlemen, we do not doubt at all that these defendants honestly believed in the accusation, terrible as it was, that they were making, and I have shown you that His Royal Highness the Prince of Wales and Lord Coventry and General Owen Williams could not have believed it.

Now that this matter is in Court, now that Sir William Gordon-Cumming is here, and going into the witness-box to give his absolute denial on his oath that any sort of cheating took place, it will become a question for the defendants whether they will venture in this Court to ask you, on the authority of their untrained observation and with all these possibilities of mistake, to say that what they saw was not only the putting down of this fresh stake, but was the dishonest putting down of this stake and the receipt of a larger sum in consequence of it. I should have doubted very much whether they would have ventured into Court to ask you to say that. If they do come into Court and insist upon giving that statement, you will listen to their evidence and cross-examination, and you, I hope, will know how to deal with it, if they force that issue upon you and upon us. It is, as I have told you, the gravest issue that a soldier could have to face.

I am here to defend that soldier's honour. I am here to defend it by his evidence, and by such careful examination of the circumstances which are alleged against him as I hope and believe will satisfy you that the accusation was one not founded upon fact; honestly made, perhaps, but if so in honest mistake—that it is an accusation which when it is brought here and examined before you cannot stand and cannot be upheld against Sir William Gordon-Cumming. The issues are heavy ones for him. If the accusation be upheld against him, if you find it to be proved, there ends in this Court that career of honour and of public service which his thousand friends hoped would be continued for many splendid years to come. He must go away, degraded from the profession to which he belongs, exiled from the friendship and companionship of those he has known as friends, and in another land, and perhaps under another name, seek some career, which may dim, but cannot efface, the memory of these transactions. I do not ask you on his behalf for sympathy or even pity. If he is guilty of this offence, he deserves no sympathy; if he is innocent, the sympathy will come to console him for the agonies of the time that has gone by before he was able to meet this accusation in Court. I do not ask for pity. Pity indeed, if he were guilty of this, all of us would feel for the man, who, after such a career, passed into darkness, and of whose past life his friends would never speak, of whom they would think only

Opening Speech for Plaintiff.

The Solicitor-General

with a sigh. But that pity would follow, not prevent, the punishment. I hope for a very different result from that. From the moment when he knew that this charge was being talked about from lip to lip, he claimed to be tried before the best and highest tribunal that this country can give; no bastard imitation tribunal of justice, where laymen pretend to be judges, with assessors sitting to decide upon a question of this sort, but before the great Justiciar of England, the man who inherits and sustains the proudest traditions of the English Bench, and before that special jury, which, after all, is the best tribunal for the ascertainment and judgment of facts that any one has ever been able to invent. Gentlemen, the issue is in your hands. You will not be moved from your duty of impartial judgment by appeals on one side or the other; but I do trust that Sir William Gordon-Cumming may go away from this Court, when your verdict is given, back to the life of honour and repute that he has led hitherto among his fellows, that he may still wear in your service, and in his country's service, a sword that has never been stained but with the blood of his country's foes, and that he, as he has risked his life for you and yours in the times gone by, may, in his hour of peril here, find protection in your instincts of justice.

Evidence for the Plaintiff.

Sir WILLIAM GORDON-CUMMING, examined by the SOLICITOR-GENERAL—You are a baronet?—Yes; and fourth in the line.

And forty-two years of age?—Yes.

You have a seat in Scotland, and a residence in London?—Yes.

And you are a member of the Carlton, Turf, Marlborough, and Guards' Clubs?—Yes.

I believe you have been twenty-three years in the army?—Yes; I am now lieutenant-colonel in the Scots Guards.

You were at the battle of Ulundi in 1879, and have the medal and clasp for the Zulu War?—Yes.

You were at the battle of Tel-el-Kehir in 1882?—Yes, I have the medal and clasp and the Khedival star.

And you were at Gubat in 1884?—Gubat and Abu Klea, with the Guards' Camel Corps, and I have the medal with two clasps.

I believe you were mentioned in despatches in the Zulu War?—I was.

Is it a fact that during the last twenty years you have been honoured with the acquaintance of His Royal Highness the Prince of Wales?—I have had that honour.

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Sir Wm. Gordon-Cumming

And during the last ten years has that acquaintance and that friendship been extended to you?—Yes, I may say so.

I believe you have three times stayed at Sandringham?—Yes; in 1881, and twice since.

And on the occasion of your going to Tranby Croft did you travel down there with His Royal Highness?—I did.

I think you had been at Tranby Croft in the year 1885?—Yes.

And stayed during Doncaster Races?—Yes; four days.

Had you seen the Wilsons in London, and been to entertainments at their house?—Yes.

Had there been anything more than that in the way of friendship?—Nothing.

I am not sure whether in 1885, when you were at Tranby Croft, Mrs. Lycett Green had been married?—I think she was not married at that time. In that year she married Mr. Lycett Green.

I believe you saw them at York in 1888 or 1889?—Yes; I was at their house in York.

Was that the only acquaintance you had with them?—Very nearly. I do not recollect having met them much before.

Mr. Arthur Wilson you had not seen or known at all?—I had not seen him.

Mr. Berkeley Levett is a subaltern in your regiment?—He is.

You have known him as a brother officer?—Yes.

You travelled down to Tranby Croft on the afternoon of Monday, the 8th?—Yes.

The house party being those mentioned in the document which has been read?—Quite so.

On the Monday evening after dinner was there music and conversation at Tranby Croft?—Yes—conversation; I don't recollect any music.

Then at about eleven you began to play baccarat?—Yes, about eleven.

There was no proper baccarat table, but three whist tables put together?—They were small tables, about the size of a whist table.

On that occasion did His Royal Highness take the bank, with General Owen Williams as croupier?—He did.

And the amount of the bank was what?—I think it was declared at £100 to start with.

In a case where the bank has been declared for £100 in the first coup the players can stake among themselves collectively £100, and no more. The banker cannot receive more than £100 or pay more than £100?—No.

Supposing the banker wins on the first coup on both sides

Evidence for Plaintiff.

Sir Wm. Gordon-Cumming

of the table, he would have more than £100 in the bank?—Yes.

Then the stakes collectively must not be more than the sum in the bank?—No.

If the banker wins the first coup he would have his £100 plus the amount of his winnings. If those were £50, he would have £150, and the players might stake collectively up to that amount?—Yes.

So that the banker, so long as he has the bank on those particular lines, can never lose more than the amount with which he started?—No.

The LORD CHIEF JUSTICE—Not lose more?

The SOLICITOR-GENERAL—He can never be called upon to pay any more.

Examination continued—I believe on that occasion Mr. Sassoon had charge of the counters?—Yes.

You played with this sort of counter (producing one)?—Yes.

Do you remember as to the first evening how you were sitting with reference to General Owen Williams?—I think Lord Edward Somerset was sitting between us.

And was General Owen Williams sitting on the opposite side to the Prince of Wales?—Yes; on the opposite side.

On the opposite side of the table. Who was sitting next you on the right?—Young Mr. Wilson.

And Mr. Levett and Mrs. Wilson were also sitting at that tableau?—I think they were; I cannot say.

On that evening there was no line on the table as usual on a baccarat table?—On the first evening, no.

And the tables were of uneven height?—They were.

So that money when lost had to be handed up from the lower table?—That is so.

Had you anything you put your stake on that evening?—You mean on the table?

How did you hand up the stake?—I recollect on one or two occasions putting it on the paper on which I was marking the tableaux and handed it up like that.

You had a sheet of paper and a pencil, and you were marking the tableaux?—Yes.

That is to say, you headed two columns with B and P, representing banker and player respectively, and you dotted under each letter according to each win?—Precisely.

So that your tableaux at the end of the evening would show how many coups had been won by the banker and player respectively and the order in which they had taken place?—Yes.

You had played baccarat before at a good many places, I suppose?—Yes; at a good many places.

The Baccarat Case.

Sir Wm. Gordon-Cumming

And on this occasion did you play your "system"?—Most of the evening I did.

Just tell me what you usually did in regard to that—what you did on this occasion—the system of staking. Suppose, now, that a coup is coming off?—When I stake a £5 counter and win, that would represent £10, and I should then add a third counter in front of me, which would represent a second coup of £15.

If you stake £5 and win, a £5 counter would be coming to you from the bank, and you would add another £5 counter, making three £5 counters, or £15, making that your stake for the next coup?—Yes.

If you won that you would go on to the next coup in the same way?—I really cannot say. I had no system about that.

At all events, starting with £5, winning, and adding another £5 counter to it upon the second coup, you would win £15, and that would represent a win of £20 upon the two coups?—Exactly.

The LORD CHIEF JUSTICE—If he stakes and wins he gets £30.

The SOLICITOR-GENERAL—Of the stakes, £10 is his own money. Of the first £10, £5 is his own.

Sir CHARLES RUSSELL—He gets £5 on the first coup and £15 on the second.

The SOLICITOR-GENERAL—He wins £20, because of the £15 which is staked; the second time £10 comes out of his own pocket.

The LORD CHIEF JUSTICE—I see.

Examination continued—Did you go on that way occasionally during that evening?—Yes.

You kept your tableaux until the end of the evening and then destroyed them?—Yes.

Without going into detail, may I ask you this—Is it important that a banker should know how much there is on one side of the table as compared with how much there is on the other?—Yes; it is advisable he should know.

And when there is a much larger sum on one side of the table than on the other, does the banker sometimes call attention to it, and ask if any one will put on a higher stake so as to equalise the two tableaux?—Yes.

Do you remember if that happened on both the evenings in question?—It certainly happened on both.

Did His Royal Highness call attention to the inequality of the stake?—Either His Royal Highness or General Williams—one or the other.

What did you do on either of these occasions. Did you stake?—Yes, on both nights.

Evidence for Plaintiff.

Sir Wm. Gordon-Cumming

What did you say?—When either General Owen Williams or the Prince of Wales called attention to the stake, I said: “I will go £25 on the other tableau,” meaning the opposite tableau to which I was sitting.

In that case you would not put down the stake at all?—No.

You would be heard to say that, and that tableau would be considered to be increased by your £25?—Yes.

Did you win £25 more than once?—Once the first night, two or three times the second.

Was that £75 or £100 won in that way, taking the two nights?—Yes.

On the first night, the 8th, you played for about an hour and a half?—About that.

And nothing was said about the play? Attention was not called to any complaint about it?—No.

Then the party separated?—Yes.

And on the following day I think you went with the house party to Doncaster by railway in a couple of saloon carriages?—Yes.

The party travelled, some in one carriage and some in the other, and you travelled with some of them?—Yes.

At the races on Tuesday, I think, you lunched with the party in the middle of the day?—Yes.

Returning by train to Tranby Croft in the evening, and after dinner and conversation baccarat was played again?—Yes.

On the second evening did you play in a different room and at a different table?—Yes.

In the billiard room a table was provided between the table and the fireplace?—Yes.

On the second night was the bank again started as a £100 bank?—I believe so; I will not swear to it.

The Prince being banker and General Owen Williams croupier?—Yes. Mr. Sassoon again attended to the counters.

As to the second night, there is no question between us as to the position. This table was one with rounded ends?—I think it had.

You again sat next but one to General Owen Williams, but this time on his left instead of on his right?—Yes.

I believe Lady Coventry was sitting between you and General Owen Williams?—Yes.

And, as she was not experienced in the ways of baccarat, you helped her to manage small counters?—I did.

Five-shilling or ten-shilling counters?—Yes.

Did Mrs. Lycett Green sit next to you?—On my left.

Next to her being Mrs. Stanley Wilson—do you remember?—I think so.

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And then her husband?—Yes.

About how many people were playing that second night?

—About twelve, as far as I can recollect.

Mr. Berkeley Levett was playing that evening too?—Yes.

Were other persons moving about the room on both nights?

—There were one or two standing about.

Mr. Reuben Sassoon was keeping the counters, and was supposed to give sufficient counters at any moment to anyone who asked for them?—Yes.

So he would be practically in attendance upon the game?—Yes.

On that second evening did you notice anything about Mr. Arthur Stanley Wilson's luck?—I recollect his winning five coups running, but I certainly said nothing.

That was at the time he was handling the cards on behalf of that tableau?—Yes.

Did you make an observation to him upon it?—Yes; I said novices always had luck at cards.

And you had your stakes on all five coups?—Yes.

You were playing about one hour and a half on the second night as well?—Yes.

Did anything occur during that evening's play—did the behaviour on the part of any person direct attention to, or was anything said with reference to, your play?—Nothing whatsoever.

And at the end of the play that evening I think His Royal Highness said something about your luck?—He did.

Did you show His Royal Highness your tableau?—His Royal Highness said I had won so much money, and I showed him the tableau, saying, "How could I help winning with such a tableau as this?"

As a matter of fact, you won £225 on the two nights' play?—Yes, £225.

On the following morning—the Wednesday—news came to the house of the death of Mrs. Wilson's brother-in-law?—Yes.

It was asked that the party should break up?—I saw Mrs. Wilson on the stairs for a minute as I was going up to dress. She was in the passage. I made some remark about the death of her brother, and suggested that I thought we ought to go. She said, "I hope nobody will think of going," or words to that effect.

Mr. and Mrs. Wilson did not go to the races that day?—No; I think all the others did.

You lunched at Doncaster, and returned again in the same manner in the evening?—Yes.

About eight o'clock, or a short time before dinner, did

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Lord Coventry come to you?—Yes; Lord Coventry and General Williams.

By the LORD CHIEF JUSTICE—All the rest of that day were you moving freely with the party?—Yes.

Examination continued—Until the moment that General Owen Williams and Lord Coventry came to speak to you had there been any sort of indication by word or manner on anybody's part that anything unpleasant had existed?—Not the slightest.

When they came to your room who was the spokesman?—Lord Coventry.

What did he say?—He said: "There is a very disagreeable thing that has occurred in the house. Some of the people staying here object"—I think he said "object"—"to your manner in playing baccarat." I think that was the expression, but I am not quite certain.

What did you say to that?—The first thing I said was, "Lord Coventry, what do you mean?"

And he?—He said that certain people in the house had asserted that I resorted to foul play at baccarat—I cannot recollect the exact expressions—and that they had gone to the Prince of Wales.

What did you say to that?—I asked, "What do they say I did?"—or words to that effect. He said he did not precisely know what, but they had distinctly asserted I had been guilty of foul play. I said, "It is a foul and abominable falsehood, and it is impossible for me to lie under this charge. What shall I do?" I said, "Here are two old friends of mine; for goodness' sake see what must be done?" I said I wished to place the matter entirely in their hands, and afterwards would do whatever they thought best.

They said they would?—Yes; the next thing I said was, "I wish to have an interview with His Royal Highness the Prince of Wales." They said they would see about that after dinner.

Yes?—Then they shook hands with me, and left the room to dress for dinner.

Now, you have given to the best of your recollection what took place at that interview?—Yes.

Had or had not any name been mentioned at that interview to you by them as to the person who made the accusation against you?—At the time I think not. Nobody's name was mentioned, but I cannot be sure about that.

You dressed for dinner. At dinner everything was as before?—Yes.

As if nothing had happened at all?—That is so.

After dinner there was ordinary conversation, I suppose?—Yes; for some time.

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Later in the evening did Lord Coventry or General Owen Williams, or both of them, come to you again?—Yes.

About what time was that?—It must have been from 10.30 to 11. We dined very late.

They said then?—That the Prince of Wales wished to see me.

Then did you go to His Royal Highness?—I did.

What took place at that interview?—I said: "I have asked an interview with your Royal Highness, as I have heard certain people in the house have brought a foul and abominable charge against me of having cheated at cards."

Yes?—I said: "I utterly and emphatically deny that I have done anything of the kind." I added, "Your Royal Highness will see what a terrible thing this is for a man like myself, who has attempted to lead for twenty-five years the life of an officer and a gentleman." His Royal Highness asked, "What can you do? There are five accusers against you." I told him my first impulse had been grossly to insult these five people in the first public place where I could meet them—at the racecourse on the morrow.

Yes?—His Royal Highness said, "What will be the use of that, as there are five to one?" Then I said, "Something must be done, sir; what am I to do?"

And he?—Then either Lord Coventry or General Williams said, "Will you leave us for a few minutes while we discuss the matter?"

You did leave the room, Sir William?—I did.

And you did not see the Prince of Wales on the matter again?—No.

Some time afterwards did Lord Coventry and General Williams come to you?—Yes, in about half an hour.

Meanwhile had persons been coming and going to the Prince of Wales's room?—Yes.

At the end of this half-hour they came to you again?—They asked me to go back into the room.

I believe the Prince was not there?—No, he was not.

About what time would this be?—It must have been nearly 11.30 p.m.

When you went back into the room to Lord Coventry and General Williams had they already written that document which you were called upon to sign?—Yes; it was already written.

What then took place?—They said that after consultation they considered there was only one way to avoid a horrible scandal connected with this affair, and that was that I should sign the document which they had produced.

What did you say to that?—I looked at it and said, "Why, this would be tantamount to an admission of guilt." I



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think I said, " Would it be any satisfaction to two honourable gentlemen like yourselves that I should sign a document like this? "

What followed?—They said again it was the only means of avoiding scandal. If I did not sign people who brought the accusation against me would tell the whole story at the racecourse on the morrow, and it would be in everybody's mouth.

At this time was the name of an individual mentioned?—Either then or very shortly after the name of an individual was mentioned as the person who drew up the statement, or proposed that it should be done.

I want to keep you to what took place before you signed the document. Was it before you signed it?—I think not. Very shortly afterwards. They said it would be told all over the racecourse the next day. I looked at the document again, and again said, " This would be tantamount to a confession of guilt. I most strenuously deny what I am accused of doing." They admitted that it would be tantamount to a confession of guilt. I then said, " Do you still recommend me to sign it? " They said, " We do," and I signed it.

The document being signed, it was taken away on the understanding that it should be signed by other persons?—It was not taken away in my presence. I remember I made some comment about the paper in which a promise was made I should never touch a card again. I said, " If this was signed by me for the purpose of keeping a secret, that alone would prevent it, as it is very well known I play cards a great deal, and this would be sure to be subject of comment." I added, " This even debars me from playing 6d. and 1s. rubbers which we are accustomed to play in barracks in the regiment." At this Lord Coventry turned to General Williams and said, " I am not a soldier, General Williams. You are. What do you think? " General Williams replied, " I am afraid it includes even that." After that we had some slight conversation on the subject, and General Williams informed me who was the originator of the proposition that I should sign the document.

By the LORD CHIEF JUSTICE—You had signed it?—Yes, I had signed.

Examination continued—Whose name did he mention?—Mr. Lycett Green.

He said Mr. Lycett Green had acted as spokesman for the party from the beginning?—Yes.

And the suggestion that the document should be signed was insisted upon by Mr. Green for his own protection?—He said that unless some record of what had taken place,

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signed by me, was not kept, that I should have the power at some future date of denying the whole story, of insulting them—my accusers—and of bringing an action for slander.

Did that close the conversation?—He went on to say that Mr. Lycett Green had told his father of what had taken place, and that he had consulted him on the racecourse either on the Tuesday or the Wednesday. We had some desultory conversation afterwards.

Was there anything more said about a society scandal?—I again alluded to the subject. I said it was a most unsatisfactory thing signing this document, and they repeated that there was no option if I did not sign it, but a terrible scandal.

Was that the end of the conversation?—Virtually it was. There was some conversation about the advisability of my remaining on or not.

You decided not to remain on another day?—I did. I left the house next morning.

You saw General Owen Williams the morning you left?—I saw him the night before.

Did you cheat at baccarat that night?—I did not.

Is there any truth whatever in the accusation against you?—There is none whatsoever of any sort or kind.

Cross-examined by Sir CHARLES RUSSELL—Am I right in the suggestion that you have been on very intimate terms with General Owen Williams for a period of twenty years?—Certainly.

I think you have travelled with him in Africa and in India?—I have.

You have frequently stayed as an intimate visitor at his house?—Very frequently.

You have sailed with him in his yacht frequently?—I have.

You have always regarded him as a fast and true friend of yours?—I have.

And have always regarded him as a man of the highest honour?—I have.

And still so regard him?—I do.

You have not been so intimate with Lord Coventry?—No, I have not. I must have known him fully ten years.

And you also regard him as a man of honour?—Certainly.

You have told us that you have been a visitor on several occasions at Mrs. Wilson's house at Tranby Croft?—On one occasion only previous to last year.

On two occasions altogether?—Yes.

And have dined at her house in town?—I have lunched there. I cannot recollect dining there. I have been to her house and met her about town.

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Her daughter, Mrs. Lycett Green, you have also met?—Yes.

Her son, Mr. Arthur Wilson, I think, you had not met before this visit?—No.

Mr. Lycett Green you did know, but not very much?—No; not very much. They live near York. I was at their house on one occasion.

And you played baccarat that night?—Yes; we played baccarat that night.

It was not a family dinner party?—No; very few were there.

You were on your way to Scotland, and you proposed to dine with them whilst waiting for the night mail?—Yes.

There were only three of you at the table?—Three or four.

The remaining defendant, Mr. Berkeley Levett, is a subaltern of your regiment?—He is.

Did you, or have you, Sir William, any reason to suggest that any one of these defendants entertained towards you unfriendly feelings?—None whatsoever.

Or had any cause of quarrel at any time with you?—Never.

You have said, have you not, that the worst of it is you felt they were perfectly conscientious in the matter, and they believed they did see you resorting to foul play?—I did believe so. Pardon me, are you reading any letter of mine? Is that what you wish to imply?

I don't wish to put it in that way for reasons the Solicitor-General knows——

The SOLICITOR-GENERAL—Certainly.

Cross-examination continued—I am. Does it not express your feeling?—Certainly.

It is a letter to a person you don't wish to trouble to come here to-day, and I will read it again: "The worst is I feel they are acting perfectly conscientiously in the matter, and they believe they did see me resort to foul play." About this game of baccarat, you have played at it a good deal, I have gathered from what you have said?—Yes.

The counters on this occasion ranged from 5s. to £10?—I think there were counters ranging a great deal higher, but they were not employed.*

The counters that were employed ranged from 5s. to £10?—Yes.

All friends in a friendly party in a country house?—Yes.

You would call it a very innocent game of baccarat?—Yes, I should call it a very quiet game of baccarat.

* Almost certainly there was none higher than £10.

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No discredit to anybody to be connected with such a game?—None whatever.

Or to be one of a party playing in such a game?—No.

Or to be known to play such a game?—Certainly not, in my estimation.

You would not therefore call the fact of its being known that General Owen Williams or the Prince of Wales was playing at such a game—you would not call the mere knowledge of that fact a horrible scandal?—No.

And no scandal at all?—No.

I wish to follow out one or two points referred to by my learned friend, the Solicitor-General.

[A table was then handed to the learned counsel by Mr. George Lewis, the Solicitor-General saying it was not a reproduction but a diagram.]

It is not intended to be a model. I want to get from you first that the amount of the bank is fixed at the beginning of the play?—Yes.

And when the banker is unsuccessful and loses what is in the bank, then a fresh bank has to be made and you begin again?—That is the custom.

The play on these two occasions was practically the same. You dined late, and sat down about 10.30, and you played for an hour and a half?—Yes; each night.

The four packs with which the game is played number 208 cards. How many coups would exhaust the packs on the average?—I should calculate it from twenty to twenty-five.

And when the cards are gone through once they are reformed and passed, and then it is called a fresh deal?—Yes.

Did you go through more than one deal in this one and a half hours?—I cannot recollect at all.

Bearing upon that, you could not say whether there were twenty or twenty-five or more coups?—No, I could not say.

As we have correctly heard from my learned friend, the game is decided by the possession of the eight or nine, or by the highest card approaching the eight or nine?—Precisely.

The eight or nine are called "naturals"?—Yes; if they are dealt in the first two cards.

The LORD CHIEF JUSTICE—If you have two cards, supposing you get a four and a six as the result of them?

Sir CHARLES RUSSELL—My lord, that would be a very bad hand. In that case you would ask for another card in the hope of getting nine.

The LORD CHIEF JUSTICE—It resembles vingt-et-un.

Sir CHARLES RUSSELL—I am told it is very much the same.

Cross-examination continued—Assume for the moment that I am banker. I deal one card to the right tableau, one card

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to the left tableau, and one card to myself—all face downwards. Then one card to the right tableau, one card to the left tableau, and one card to myself—making two cards each, all face downwards?—Yes.

Then the banker looks at his cards, and unless he has eight or nine—a “natural”—he is bound to “give” cards?—He is.

If he has an eight or nine he exposes it?—He does so at once.

If either tableau has eight or nine they expose it at once in the same way, and that decides the coup as far as that particular tableau is concerned?—Precisely.

I want to get this from you, please. The stake of each player ought to be placed, if there be a line on the table, clearly outside the line; and if there is not a prepared table, the stake ought to be placed distinctly apart from any particular counters, or anything in front. It ought to be placed clearly and boldly so that it can be seen?—Yes.

And it would be irregular to alter the stake, either by adding to or diminishing it, once the banker begins to deal his cards?—Yes, at all events when one of the cards has been looked at by anybody.

That would be cheating to do that?—Certainly.

I was putting it to you as an act of cheating?—I should say it would be irregular. The banker might be confused.

That is one of the rules of the game?—Yes.

In other words, the stake should be put in an unequivocal position before the dealer begins to deal, and must not be touched or altered until after the coup is declared?—That would be the strict rule, certainly.

It would be improper not to follow that rule?—It would be irregular.

Do you suggest you did not follow the rule in that respect?—No, I do not.

You say you followed the rule?—What rule?

The rule that the stake is to be in an unequivocal position on the table before the banker begins to deal. Did you follow that?—I did.

It is a fact that when you begin to deal the cards those for the right tableau are taken by the person sitting next to the banker on the right?—That is the rule.

And then by the person sitting next to the banker on the left?—Yes.

And they continue to take the cards for each successive coup till they close?—Yes.

Then it passes to the next person, and so round the table on each side?—Yes.

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Of course, the dealer or banker must not, till they are exposed, see the cards he has dealt to either side; nor must the players see the cards that the banker has dealt to himself?—No.

But the cards being dealt at the opening of the deal to the person sitting on the right hand of the dealer, say, to Mrs. Wilson, merely as an illustration, it would be the right of those who are taking the table to see that hand?—No, I do not think so. She is responsible for the hand, and no one else.

Yes, but if you were sitting beside her, it would be right to see those cards, and that you should advise her?—Yes; it would be right if she chose to let me do so.

And that is what is ordinarily done in a friendly game at baccarat?—Yes.

I will just remind you. Did you not give that advice to Lady Coventry on the second night?—Yes, possibly on the second night, but on the first night, no.

Did you volunteer advice to Lady Coventry?—I have no recollection of volunteering any opinion.

What I want to draw your attention to is this—the six would be a favourable card, would it not?—A very fair card indeed.

The seven should be still better?—Yes.

And it would be wrong to take a card with either six or seven?—It would be wrong on the point of six or seven.

It would be dishonest, would it not, for any one, seeing that the right-hand tableau had six or seven to increase the stake after seeing that favourable card declared?—It would.

The next thing I wish to point out is this—assume that the two cards which have been dealt make up ten or twenty—two tens, say, or six and four, in such a case you would say, “Take, or draw, a card”?—Yes.

And assume in like manner that the six were drawn as the third card, it would be dishonest to increase the stake after seeing that card?—It would.

And in the third event, namely, the banker declaring “I pay six”—meaning that he had five?—He would never make use of such an expression. He would throw the cards on the table and say, “My point is six.”

Well, never mind that. When he had declared his point to be five it would be dishonest to increase the stake on the table?—It would.

It would be cheating?—It would.

These are the three cases I put to you. On the first night I don't know that it is a matter of mighty moment, but I am instructed to put it to you that you are in error in saying

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that General Owen Williams acted as croupier?—I was under the impression that he did.

I am instructed that there was no croupier the first night?—It is quite possible.

Now, I wish to fix the position as we understand it to be. The Prince of Wales was sitting about the middle of the table on one side?—He was.

Was Mrs. Arthur Wilson on his left?—On the first night? Yes?—I don't remember.

Was Mr. Arthur Wilson on your right hand the first night?—I think he was.

And was Mr. Berkeley Levett on his right?—I cannot recollect the position of Mr. Levett on that night at all.

Do you recollect where Mrs. Lycett Green sat?—No, I don't.

Well, so much for the position on that night. Now, let me understand what you say. What money's worth of counters did you take on the first night?—I think £100 worth.

You would have to pay your account for that amount to Mr. Sassoon?—He would take a note of what I had.

The game was a very small one with the exception of those suggested coups of yours of £25?—I should say that about £10 or £15 were perhaps the highest coups on the first night.

And I think the ladies were playing stakes of from 5s. to 10s.?—Some of them were.

On the first night you were sitting on the lower and unequal portion of the table. Had you anything in front of you?—In the shape of counters?

No; anything that you had in front of you?—I think I had nothing in front of me except a sheet of notepaper on which I was marking the tableaux.

Had you one sheet or two?—I think one.

Are you sure?—I think only one.

And your counters?—And my counters.

There being on the table no line of demarcation for placing the stakes?—No, not on the first night.

You had, I suppose, a pencil?—I had.

Was it a pencil of unusually large dimensions?—I think it was an ordinary pencil.

Was it a carpenter's pencil?—No, I think not.

Well, on the second night, had you a pencil of the character I have designated?—To the best of my recollection I had not. I had only an ordinary pencil.

On the first night?—I am trying to think. On neither night, as far as I recollect, had I other than an ordinary pencil.

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Then you had before you the counters, the sheet of paper, and this pencil?—Nothing else.

How did you keep your hands?—On the table in front of me.

Will you kindly place your hands in the position in which you usually keep them?

[Witness did so, explaining that his hands would cover some of his counters.]

Where was your stake?—In front of me.

How far from you?—I cannot say. Sometimes two inches, sometimes more.

[Question repeated]—I should put it in front of me, sometimes two or three inches from me and sometimes more. There is no rule. The rule was simply that the stake shall be put over the line on a marked table.

You did not put your counters on the piece of paper in front of you?—I think I placed my stakes there once or twice to show that they were stakes.

I was not asking about the stake, but did you put your counters other than your stakes on the sheet of paper?—No; it would have interfered with my marking.

But you do recollect putting your stake on the sheet of paper?—Yes; I have some recollection of Mr. Wilson, who was next to me, remarking about the difficulty of seeing what the stakes were, and the difficulty of paying the money. I therefore said, "Let us put our money on the sheet of paper."

You did not do that habitually?—No, on one or two occasions.

I don't see the advantage of doing that?—It saved a little trouble in handing the money up.

As I understand your statement, you, in order to make the stake more apparent, sometimes put in on the sheet of paper, and it then passed out of your mind, and you did not habitually stake on the sheet of paper?—No, I did it on several occasions.

I presume that the table (or the three tables) were covered with some kind of cloth?—I think two of them were common whist tables. I do not recollect what the centre table was.

The table at which you were playing was?—It was, I think, a common whist table. It was covered, as a whist table would be, with green cloth.

The counters, being made of leather, did not, when placed on the table-cloth, make any noise?—No; no noise, or next to none.

Do you recollect what your first stake that night was?—No.

I don't wish, of course, to commit you to what my learned

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friend stated in his opening, but was it not £5?—I cannot recollect, but I think it very likely.

You would probably begin with that?—Very likely.

But I put it to you whether, on the very first coup, the stake as originally placed was not £5?—I do not recollect. I should think very likely it was.

It is not pleasant to have to ask you these questions, Sir William, but were you paid £15 on the very first coup?—No; certainly not.

Will you pledge your oath that you were not paid £15 on the first coup of the night?—I cannot be sure. If I staked £15 and won I should be paid £15.

Did you not stake £5—I cannot recollect what the stake was.

Were you not paid £15 the first coup of the evening?—If I had staked £5 I should be paid £5, and if I had staked £15 I should receive £15.

I must put it more plainly. Was not your first stake £5, and did you not increase it by adding two counters?—The very first coup?

The very first coup?—No, I did not.

You put the phrase to me interrogatively, “The very first coup?” What do you mean by that?—I thought you might mean that having won the first coup I put another stake on.

In two or three coups after that did you again stake one counter of £5?—I cannot possibly remember.

You cannot remember? Kindly attend to this question. With your hands in the position you have described—and, as you have said, was sometimes habitual with you—over your counters, had you, in point of fact, counters in your hand?—While covering the counters?

When the coup was being played on which you had staked £5, had you your hands in the position you have described with counters in one hand?—You mean was I grasping my counters in one hand like this. Possibly I was.

At this time, as I am putting it, the cards were in the hands of Lord Edward Somerset? On the 8th?—I think they were.

And he had a favourable card? Did you upon seeing his card increase your stake by adding two counters of £5?—I did not.

I make a mistake in saying two. I mean an increase of three?—No; not three, or any number at all.

You were sitting, on 8th September, next to Lord Edward Somerset?—I was.

And therefore you were in a position to see what card he had?—No, not of necessity.

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What do you mean by not of necessity?—I mean I might have seen his cards or I might not.

I put it to you again whether, seated next to Lord Edward Somerset, you were not in a position to see his cards?—He might have taken up his cards in such a manner that I could not by any possibility see them.

Do you suggest that he did take up his cards in such a manner that you could not see them?—No; I do not say that he did, but he might have done so.

Is it not a common case in such a friendly game as this to make no concealment of the cards?—No; not at all. I dislike very much any one seeing the cards I draw.

Do you think that you saw his cards or not?—On some occasions I did, and on some I did not.

On the occasions you did not see them that was because you did not look?—No; but from the manner in which he took his cards up.

I put it again to you whether on this occasion, on seeing this favourable card, you increased your stake by putting three additional counters down?—No; I did not.

Do you remember any observation from the banker to you on either the 8th or 9th as to the manner of your staking your money?—I think on the second night the Prince of Wales said, "I wish people would put their stakes where they can be seen," or something of that description.

Was that addressed to you?—Yes, or to others. I should think on this occasion it may have been addressed to me, but not to me more than anybody else. General Owen Williams was then officiating as croupier, and I said, "Owen, there is £15 to come here."

I put it to you, was not the expression, "There is £15 more to come to me?" Do you suggest that on that occasion you had been paid nothing at all?—I do.

Very well. Now, I am still on the first night (8th September). Do you recollect whether your own brother officer, Mr. Levett, was sitting next to Mr. Stanley Wilson?—On which night?

The first night?—I do not recollect at all where he sat.

Did nothing call your attention to anything Mr. Stanley Wilson did on that night?—Nothing at all.

I put it to you whether on that night you did not on several occasions increase your stake either after a card was found to be favourable, or on some occasions after the coup was declared to be favourable to your stake?—I did not.

While holding your hands as you have told us in front of you and over your counters, would they be some consider-

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able way from the edge of the table?—No; close to the edge, to prevent the counters falling off.

If that is so, and your stake was only two or three inches from where your counters were, then the stake must have been close to the edge of the table?—No; the counters would occupy some room.

How far do you say it would be?—The stake would be eight or nine inches from the edge of the table.

And then would come the sheet of paper, your bundle of counters, and your pencil?—Yes.

And your stakes would be two or three inches from these?—Yes, two or three, or perhaps six or seven.

On the next night, do you remember whether a number of the party were already seated preparing to play when you came in?—I do not recollect.

Do you recollect seeing a vacant place between Lady Coventry and Mrs. Lycett Green, and asking whether you might go there?—No, I do not recollect.

Did you, in fact, take your place between Lady Coventry and Mrs. Lycett Green?—I have no recollection whether they were sitting there when I came in or whether they came in afterwards.

Then I suggest that you sat with Lady Coventry on your right hand and Mrs. Lycett Green on your left?—Yes.

Do you recollect whether Mr. Stanley Wilson was next his sister round the corner of the table?—I believe he was.

And Mr. Lycett Green was next him at the bottom of the table?—I think he was.

This would be at the opposite side at the corner of the table to that at which the Prince of Wales sat?—Yes, precisely.

And on this occasion General Owen Williams was croupier?—Yes.

Then on General Owen Williams's left sat Lady Coventry, on her left you, Sir William Gordon-Cumming, on your left Mrs. Lycett Green, on her left, round the corner of the table, Mr. Stanley Wilson?—That is quite correct.

And Mr. Lycett Green beyond Mr. Stanley Wilson?—Yes.

Mrs. Arthur Wilson was sitting on the left of the Prince?—I don't recollect at all.

Do you recollect that Mr. Berkeley Levett was at the opposite side of the table from you?—I do not recollect where he was.

Would that (handing up a photograph) give a reasonably correct idea of the table on the second occasion? (It is a photograph, my lord, of the table and the room, but it appears that the chalk line on the table was erased.)?—I

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think the chalk line was nearer the edge of the table, otherwise I think it is correct.

There was a clearly marked chalk line there?—I think there was. [After a pause]—I remember there was a chalk line on the second night.

Do you recollect on the second night that Lady Coventry was exceptionally lucky?—No, I cannot say I remember whether she was or was not.

Did you advise her as to whether she should or should not take cards?—Yes, several times.

Do you recollect one occasion when in her original two cards she had a hand in which she had either six or seven?—I cannot recollect any particular occasion at all.

I put it to you, because it was after this coup that the incident you mentioned took place, and the banker called attention to the stakes. Did you advise Lady Coventry not to take a card, and did you increase your stake after you saw her cards by adding to the £5 one £10 counter over the line?—No, I did not.

I put it to you, was it not on that occasion that the observation was made about the manner of staking?—I cannot recollect when the observation was made about people putting down their stakes.

I put it to you, whether you were not paid £5, and you said, "Owen, there is £15 more to come here"?—No; my observation was, "Owen, there is £15 to come here," because I had not been paid at all.

What was your stake?—To the best of my recollection £15.

Do you wish to swear that positively, or is it to the best of your recollection?—To the best of my recollection it was £15 that I had put down.

The counters are of different colours according to their nominal value?—Yes.

Did you after this incident, with your pencil, push an additional stake across the line?—An additional stake after the cards had been dealt?

Yes?—No.

Did you notice Mr. Lycett Green, soon after that incident about the payment of the stake, rise from his place and leave the room?—No, I do not recollect it.

Do you recollect that he did not play till the end of the hour and a half?—No, I do not recollect that he did not play.

Do you recollect a few moments after he left the room a note being brought in and handed to Mrs. Wilson, his mother-in-law, the hostess?—No, I do not recollect.

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I call your attention to the fact that Mr. Lycett Green was sitting the next but one to you?—Precisely.

Would it not attract attention his going out of the room?—I cannot say.

Do you not remember a note being brought in by the servant and handed to his mistress?—No, I do not.

Now, I do not know that I need go into the matter in greater detail. I cannot fix this with reference to the note being brought in because you say you have no recollection of it. I put it to you whether, later in the evening, you did not increase your stake on several occasions after the cards were dealt?—No; on no occasion.

Sometimes after a card was favourable, and sometimes after the banker declared what his point was?—Never; not on any single occasion.

You mentioned, as accounting for the position of your hands over your counters, that it was with the view of keeping them from falling off the table. Is not it the fact that you kept a considerable quantity of counters in your pocket?—Yes—not a considerable quantity, but a certain amount.

Was there any considerable winner but you?—I cannot say, but I should suppose not.

Two hundred and twenty-five pounds I think you said?—Yes.

You went to the races on the Leger day, which would be Wednesday?—Yes, Wednesday.

And you first heard, you have told us, of any impending trouble before dinner on that Wednesday?—Yes.

Did Lord Coventry and General Owen Williams come to you together?—Yes.

Let me see whether I have rightly followed your statement. [Sir Charles Russell then read passages from the already published narrative of the interview. Lord Coventry said a very unpleasant thing had happened, and that several of the party had objected to the manner of Sir William Gordon-Cumming's play at cards. Sir William Gordon-Cumming replied, "Good heavens! What do you mean?" and then Lord Coventry said that several of the party alleged that he resorted to foul play at baccarat. Sir William Gordon-Cumming declared that it was absolutely false.]

That is the substance of the interview. Did you ever learn what was the charge against you further than that conversation?—No. Further than that I never knew the charge against me, except that they had seen me cheating.

Did you ever ask?—I did not, except on the occasion of the interview, when they said they did not know.

What were you told?—I was told that five persons made

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the charge. I asked who they were—not then, but after my interview with the Prince of Wales and General Owen Williams. I was told there and then.

Why did you not tell us that before?—Because I was not asked.

Do you now say that at your interview with Lord Coventry and General Owen Williams you did not learn who your accusers were?—I cannot say whether I did or not.

If you had asked who your accusers were in so serious a matter, surely you would have remembered what the answer was?—I cannot recollect.

Did you ask to be confronted with them?—No.

Why not?—No suggestion was made to me that I should be confronted with them.

Sir William Gordon-Cumming, as a lieutenant-colonel and a man of the world, in a matter of this kind did you need any suggestion as to what you ought to do?—I had lost my head, Sir Charles, on that occasion. If I had not lost my head I would not have signed that document.

I am not coming to the document yet. I am at an earlier stage. You were told that five persons had charged you with cheating at cards. You did not ask what the particular acts of cheating were?—I did ask, but they said they did not know.

And you did not ask to be confronted with them. May I take it that at the first interview before dinner you did not ascertain who your accusers were?—I cannot recollect whether I asked or not. I learned the names at the second interview.

But here is a most serious charge. Surely your first question would be, "Who are my accusers?" would it not?—I think I was told who they were, but I was told a subsequent investigation would take place.

Were you not told at the later interview that Mr. Lycett Green objected to signing the paper, and wished to have it out and be confronted with you. Were you not told that?—No.

Did you ask to be confronted with Mr. Lycett Green?—No.

You knew that your own brother officer was one of the accusers?—Yes.

Did you ask to be confronted with him?—I asked to be confronted with nobody.

You knew that Mrs. Wilson, your hostess, was one of your accusers?—Yes.

Did you ask to be confronted with her?—I asked to be confronted with nobody.

Why not?—I cannot tell. It was an act of folly on my part, but I did not do so.

Evidence for Plaintiff.

Sir Wm. Gordon-Cumming

Sir William Gordon-Cumming, I want to know this—do you pledge your oath that at the later interview with General Williams and Lord Coventry, you did not hear that Mr. Lycett Green wished to be confronted with you, and wished to have it out face to face?—I have no recollection of it.

Is that all you have to say?—I have no recollection. [After a pause]—But I may go further, Sir Charles, and say emphatically that no such suggestion was made.

Now, I want to ask you whether you were not told who your accusers were at the first interview?—I cannot recollect.

By the LORD CHIEF JUSTICE—I think the information may have been volunteered to me, but I have no recollection whether I asked or not.

Cross-examination continued—Now, as to the challenge of Mr. Lycett Green to confront you—let me see if I appreciate what you say. You say that you do not recollect that you were told that at the interview with Lord Coventry and General Williams?—No.

I understand your point to be that, because you were not advised to seek an encounter with your accusers, you did not think it right to seek it?—When a man is in the position I was, Sir Charles Russell, he is not responsible for his actions. I had a most horrible charge made against me, and I virtually lost my head on that occasion.

You were cool enough to desire to see the Prince of Wales?—Certainly; it was my first thought.

And he agreed to see you in the presence of Lord Coventry and General Williams?—I think so.

But you think you lost your head?—I consider I did.

Did you, with this accusation hanging over you, ask the Prince to write his name in the year book of one of the young ladies of the house?—I did, immediately before dinner.

You don't seem to have lost your head very much?—Pardon me, there is no losing one's head in a simple thing like that.

Did you, when the accusers' names were mentioned—as I suggest to you they were mentioned—did you say, "What are they but a parcel of boys"?—No, I did not.

Did you say anything about a parcel of boys?—No, I have no recollection of having done so.

Are you prepared to swear that you did not?—Yes, I think I am prepared to swear. Certainly I have no such recollection.

Do you recollect also whether at the interview with the Prince you said anything about referring the matter to your

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commanding officer, the Duke of Cambridge?—I have no recollection of using the Duke of Cambridge's name.

Do you recollect General Owen Williams saying to you in reply, "Certainly, by all means, if you think right"?—No.

And did General Williams—an old friend of twenty years' standing—add, "But I am afraid he will not be so lenient to you as we are"? Did he say that?—I have no recollection of his saying anything of the kind.

But in this matter of social life or death surely you can recollect whether that was said?—I cannot recollect it.

I put it to you that that occurred first of all in the interview with General Williams and Lord Coventry, and that you made the very same reference in the interview with the Prince of Wales?—I made no such suggestion at all.

Nor words to that effect?—I have no recollection of having done anything of the kind.

Are you quite accurate in your recollection of meeting Mrs. Wilson on the stairs?—Quite.

Do you recollect writing a note to her on the morning when you went away?—Certainly, I wrote her a note expressing regret at having to go away, and possibly expressing condolence.

After the signing of the document, did you say you proposed to go to the races the next day, and did General Owen Williams say to you, "Certainly, you cannot; you must leave the first thing in the morning"?—He suggested that I should leave the house as soon as possible, and I did leave first thing.

Now, I put one question which I ask you anxiously to consider. Do you suggest, as has been suggested by learned counsel to-day, that Lord Coventry and General Owen Williams advised you to sign that paper, and asked you to leave the house, believing you to be an innocent man? Did they so believe you?—I am totally unable to say.

And as you stand there now, are you unable to say?—I am perfectly unable to say. I have had no conversation with either of them since, except on one occasion, and they never expressed any opinion as to my innocence or guilt.

So that you are quite unable to say whether in advising you they were advising you as an old friend whom they believed to be innocent?—I had a communication from them, the gist of which was, to the best of my recollection, that there was no possibility of believing other than my guilt from the fact of their being five to one against me. I received that letter two days after leaving Tranby Croft.

Then the suggestion made on your behalf that these gentle-

Evidence for Plaintiff.

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men could not possibly believe you guilty was not yours?—I do not understand.

The SOLICITOR-GENERAL—I am responsible for making that statement in opening the case.

Cross-examination continued—Your first interview in which anything was communicated to you as to this serious charge was before dinner on the evening of Wednesday, the 11th?—On Wednesday.

It was on that occasion you expressed a desire to have an interview with the Prince?—It was.

That interview you had in the presence of himself, Lord Coventry, and General Owen Williams, after dinner. At what hour?—I should say about half-past ten or eleven.

Then you retired; and the last and final interview was when Lord Coventry and General Williams gave you the paper which you signed?—Yes.

And that would be about half-past eleven?—Yes.

Did you think that in signing that paper you were doing a dishonouring act or not?—I felt I was doing a foolish one.

Did you think it was a dishonouring act?—At the time I had no thought, but I have thought since that it was.

Since the case of Lord de Ros*—a good many years ago now—have you ever heard of a gentleman and man of honour signing a paper in which he pledges himself not to play cards as a consideration for silence on an accusation of cheating?—No, I have not.

You read the paper?—Yes.

More than once?—No.

You discussed it?—Yes, I discussed it.

You pointed out to Lord Coventry and General Williams that it was virtually an admission of guilt?—I said it was virtually an admission, and they agreed that it would be.

There was no name appended to it at the time it was put before you?—No.

The other signatures to it were not there?—No.

Sir William Gordon-Cumming, why did you, as an innocent man, sign that paper?—Because it was put to me by those two friends of mine, on whom I placed implicit reliance, that I had no chance of clearing myself; that, however often I reiterated my innocence, I had no chance of proving it against five witnesses. I was told that a horrible scandal would follow, in which my name, my regiment, and everything would suffer unless I signed that paper.

You were told that the scandal would be all over the place?—Yes.

The horrible scandal would be that you, an officer of the

* See Appendix II, page 292.

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Guards, had been accused by five witnesses of cheating at cards!—Probably the word scandal was used by General Williams—a scandal to which the name of the Prince of Wales and of other persons would be attached.

How?—It would not be desirable that the name of the Prince of Wales should be associated with a game of baccarat with an officer who had been accused of cheating by his hosts or by the people of the house in which the Prince of Wales was staying.

I think you told me that it was an innocent game?—It was a scandal for a man in my position.

And to avoid that scandal you signed that paper?—Yes, to avoid the scandal I signed the paper, and I have never ceased to regret that I did so.

Now I ask you again, do you not know that, rightly or wrongly, these friends of yours were advising you as they thought best in your interests as a guilty man?—I was not aware on what grounds they gave their advice.

Do you think they were honestly advising you?—I think that nothing could have been worse than the advice they gave me, and nothing could have been more unwise than my following it.

I was not asking whether the advice was good or bad. Did you not know—did you not believe that it was the advice of men who were advising you in your interest, and in the belief that you were guilty?—No; I do not think they believed it at the time.

You did within twenty-four hours?—That is a different thing. I had signed the paper in twenty-four hours.

Were you not warned by General Williams that you were not to meet the Prince of Wales?—No; I was by letter—not warned but requested.

You made reference to a letter from General Owen Williams?—Yes.

Within twenty-four hours of the accusation?—Yes.

Have you that letter?—No. I think I destroyed it directly I received it.

Why? Have you destroyed all the letters you received at the time?—Most of them.

On what principle did you destroy some and keep others?—On no principle.

Would you be able to recognise a copy of the letter which you destroyed? [Copy was handed in.]

[The SOLICITOR-GENERAL objected. This document, he said, had never been disclosed before, and he did not know whose custody it came from.

Sir CHARLES RUSSELL said its authorship was apparent on the face of it.]

Evidence for Plaintiff.

Sir Wm. Gordon-Cumming

May we take it that that was the letter you received, Sir William Gordon-Cumming?—I think this is the gist of the letter I received.

The SOLICITOR-GENERAL—The witness says that that is the gist of the letter which he received. In the absence of any information as to where the copy comes from, I object.

The LORD CHIEF JUSTICE—In his evidence the witness says he has destroyed the letter, and he says now that this is the gist of it.

The SOLICITOR-GENERAL—In the case of the letter of Sir William Gordon-Cumming which it is proposed to read there can, of course, be no objection, nor will there be if Sir Charles Russell will say who produces this letter.

Sir CHARLES RUSSELL—I am not bound to do that.

The LORD CHIEF JUSTICE—It may have been picked up in the street.

Cross-examination continued—Before I read this letter am I right in saying that you signed the promise on the advice of Lord Coventry and General Williams, and on their advice alone?—Yes.

Nobody else advised you?—No.

You do not suggest that the Prince of Wales did?—I did not see the Prince of Wales after the one interview.

I now read two letters—the first from you to General Williams:—"Thursday, Sept. 11.—Dear Owen—I hope you will take an opportunity of telling the Prince of Wales how entirely I was guided in my action yesterday by his advice and yours and Coventry's——" Why did you speak of the advice of His Royal Highness?—Because I believed that the document was submitted to the Prince of Wales before being sent to me.

"While utterly and entirely denying the truth of the allegations brought against me, I thoroughly see how, for my own sake as well as that of others, it is essential to avoid an open row and the scandal arising therefrom. It is difficult for any one, however innocent he may know himself to be, and however unstained his character may be, to come well out of an accusation brought by numbers against one alone, and I shrink, therefore, from doing as perhaps I ought, and court a full and thorough investigation. What a cruel blow it is to me to know that any men, even if almost strangers to me, should tell me that I have deliberately cheated them at cards, or to feel that men like His Royal Highness and Coventry, against whom never a word has been said, and who have been called upon to advise me on such a charge, possibly believe from the fact of my signing that paper I am in any way unfitted to associate with you and men like you. Of course my word is passed as regards

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cards; but it was quite unnecessary, for I should never, under any circumstances, have touched them again. As regards the money I won on the week I feel it impossible for me to take it. I believe it was mainly won from the Prince, but Sassoon need know nothing as to whether I received it or not. His Royal Highness will doubtless insist upon paying it, but I should wish it to be disposed of in any way in which he may think fit, either to a hospital or for a charity. I intend to fulfil my engagements in Scotland and elsewhere as if this had not occurred, though with a very sore heart. This I owe to myself. Again thanking you and Coventry, I am, yours sincerely,

“ W. GORDON-CUMMING.”

You wrote that letter just read, and left it to be given to General Owen Williams on the morning of your departure?—I did.

This is the answer:—“ Tranby Croft, Sept. 11, 1890.—Dear Cumming—I have shown the letter I received from you this morning to the Prince of Wales and Lord Coventry.—(Signed) O.W.” Then followed this memorandum, signed by the Prince, by Lord Coventry, and by General Williams: “ We have no desire to be unnecessarily hard upon you, but you must clearly understand that in face of the overwhelming evidence against you it is useless to attempt to deny the accusation. So long as you comply with the conditions you have signed silence will be strictly maintained as far as we are concerned. In this we have dealt with you as old friends and in your interest, but we must plainly tell you we consider we have acted quite as leniently as we possibly could under the painful circumstances of the case. As a matter of course, you will receive a cheque from Mr. Sassoon for the money owing you, in which proceeding we all agree, and it will then rest with you to dispose of it as you think fit.”

Have you disposed of it?—The money is in my possession.

As a fact, the cheque has been paid into the bank?—But the money is in my possession.

[The Court adjourned.]

Evidence for Plaintiff.

Second Day—Tuesday, 2nd June, 1891.

Sir WILLIAM GORDON-CUMMING, further cross-examined by Sir CHARLES RUSSELL—I put to you yesterday, Sir William Gordon-Cumming, the letter of 11th September—the day on which you left Tranby Croft—signed by the Prince of Wales, Lord Coventry, and General Williams. Did you get another note from General Williams, and is this—[produced]—your letter acknowledging it?—It is in my handwriting.

The letter is as follows:—"Harriet Street, Lowndes Square.—Dear Owen—Your letter received to-day. I had hoped that you, at all events, would have seen your way to give me the benefit of any doubt in the matter, but it seems this is not to be. This secret is in the hands of far too many to remain one long, and I have little before me to make life worth having. I suppose that in the meantime I must try and live as of old.—Yours, always the same,
"WILLIAM GORDON-CUMMING."

Now, the letter that you had already received, Sir William Gordon-Cumming, and which I read yesterday, stated two things—that it was useless for you to attempt to deny the accusation, and that they had dealt with you as old friends, and in your own interest, concluding, "We must plainly tell you that we have acted as leniently as we could." Had you any doubt after the receipt of those communications that they believed that you were guilty, or that they were acting, so far as they could, to shield you?—I did believe that Lord Coventry and General Williams thought me guilty.

And the Prince?—And the Prince.

And that they had acted as they did, wisely or unwisely, in your interest, and to shield you as far as they could?—And in their own.

In your interest and in their own?—Yes.

What interest had General Williams of his own to shield?—Neither General Williams nor Lord Coventry, as I said yesterday, wished their names to be connected with any scandal, such as would have ensued in connection with this case.

But, so far as General Williams was concerned, what would be the scandal except his being, or having been, the friend of a man accused of cheating at cards?—I do not say that General Williams was not actuated by friendly motives towards me.

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You have told me already that you think he was, but I am asking you seriously, Sir William Gordon-Cumming, what interest had General Williams of his own to shield?—I really cannot say.

What interest had Lord Coventry to shield?—I really cannot say.

Upon the occasion of the interview with the Prince of Wales, was one word said as to your signing the memorandum?—The memorandum had not come up then. No question of that kind had been entered into.

Kindly answer "Yes" or "No." Is your answer "No"?—Repeat your question, please.

At the interview with the Prince of Wales, at which Lord Coventry and General Williams were present, was one word suggested as to your signing any undertaking?—No.

The interest of the Prince of Wales, as I understood you to suggest yesterday, was in not liking to have his name mixed up with a scandal of that kind?—Precisely.

The scandal being that a man of position, as my learned friend has properly said, and a distinguished person, had been accused by five witnesses of cheating?—Certainly.

Now, at all events, we have got to a time when, if you had ever thought it, you could no longer entertain the respect of these men whose friendship you had enjoyed. You had reached that point?—I beg your pardon.

When you received these letters you had reached the point of knowing that you no longer retained the respect, as an honourable man, of these men whose friendship and esteem you valued?—If I had been guilty of the offence, yes.

But you believed that they thought you were guilty?—I had no reason to doubt it.

Of course you knew—although it was, perhaps, a comparatively unimportant matter—that you were regarded by these five persons as having been guilty of dishonourable conduct?—Apparently, as they accused me of being so.

Why did you not, even then, take steps to assert your innocence and to vindicate yourself by bringing yourself face to face with your accusers?—Because I considered that, having taken that very fatal and foolish step of signing the document, it would be impossible to succeed, as many people would think me guilty whether I was or not.

Does that mean that you regarded signing the document, and believed that it would be regarded by others, as an admission of your guilt?—No.

Let me remind you, Sir William Gordon-Cumming, that you have said that the document was put before you, and that you then said—in your own language—that it would be regarded as a virtual admission of your guilt, and that you

Evidence for Plaintiff.

Sir Wm. Gordon-Cumming

were told by Lord Coventry—?—Excuse me, Sir Charles; I think I said it would be considered by some as an admission of guilt.

I do not think you said "considered by some." However, you said that it was tantamount to an admission of guilt, and that you were told by Lord Coventry and by General Williams that it was so?—They assented to my statement that it was so.

Then what has altered the position of things from 13th September, except the fact that somehow or other this very melancholy story has become public property?—After signing the paper and committing the act of gross folly, as I characterised it yesterday, and after a reflection of four-and-twenty hours I saw the mistake I had made. But on the assurance by letter from General Williams that by no possibility could it come out except to the persons immediately concerned I lived for some time in a fool's paradise, hoping and believing that that would be the case.

Then, although in the eyes of these once valued and esteemed friends, you were a dishonoured man, you were content to remain so if secrecy were continued?—It does not follow that because these five people believed me guilty that I was guilty. I knew perfectly well that I was not.

Pray attend to my question?—I have answered your question.

I assure you you have not, Sir William Gordon-Cumming. Although you knew—rightly or wrongly—that in the eyes of these gentlemen, whose respect and esteem you valued, you were a dishonoured man, you were content to remain so?—I was not content to remain so.

Attend, attend! You were content to remain so so long as secrecy continued?—I had no alternative.

Then I ask you again the question to which I have not yet got an answer. What has since taken place which has altered the position as it was when these letters arrived in September, except the fact that this story has become public property?—The mere fact of its becoming public property was quite sufficient for me.

Was that the only reason?—Are you asking me my reasons for taking these proceedings?

I am asking the question which I have put to you. I will repeat it now for the third or fourth time, and I hope you will kindly attend. You have told me that when you received these letters in September you then became aware of the fact that you were regarded—rightly or wrongly—by these esteemed friends as a dishonoured man, and you have said in effect that you were content not to take proceedings provided the secrecy was continued—

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The SOLICITOR-GENERAL—Those are not the words of the witness.

Sir CHARLES RUSSELL—In effect.

The SOLICITOR-GENERAL—When my learned friend says “in effect,” I know what he means.

Cross-examination continued—My question is, what is the altered condition of things except the breach of the secrecy and the story becoming public property?—The thing had become such public property that I thought the matter would be at once taken up by my clubs, by my regiment, and by my friends.

That is your answer, and that is the answer I expected you to have given long ago. Did you get a letter from General Williams on 13th September?—I cannot recollect how many letters I got from General Williams. I think I did get another letter.

And did you answer his letter on 15th September?—If I received a letter from General Williams I probably answered it. The letter produced is my letter.

I will take it from your not producing General Williams’s letter that you have not got it?—I can recollect what was in it now I have seen my answer to it. I have not got the letter, but I recollect it very well.

What did you do with it?—Burned it.

You are entitled to say what was in the letter if you like?—It was a very friendly letter, expressing extreme regret at what had occurred, saying that he was glad he was there to suppress a horrible scandal, and saying that the matter would remain a secret, and that not another word would be said about it. That is it as nearly as I can recollect.

And this is your answer, dated 15th September, Monday: “My dear Owen—Thanks for your letter of the 13th. You can well understand how deeply I feel the great kindness and friendship you have shown me in the matter I have taken your advice about.—Yours ever very truly, William Gordon-Cumming.”?—Will you kindly say what is the last word in that letter, Sir Charles?

“Thanks for your letter of the 13th. You can well understand how deeply I feel the great kindness and friendship you have shown me in the matter I have taken your advice about.” This was the only matter, was it not?—I know exactly what the allusion was.

“Thanks for your letter of the 13th. You can well understand how deeply I feel the great kindness and friendship you have shown me in the matter. I have taken your advice about Mar.”—Precisely.

Was that advice that you were not to meet the Prince of Wales at Mar?—It was.

Evidence for Plaintiff.

Sir Wm. Gordon-Cumming

I think you told us yesterday that you have not met the Prince since?—I have not.

You also know that, in order that there should be as far as possible no suspicion raised, Lord Coventry and General Owen Williams have, if they have met you casually at the clubs, recognised you in the ordinary way?—Certainly.

But you have never met either of them in society since?—In the clubs and on the racecourse. Nowhere else, except once at General Williams's house.

That is this very year?—Yes.

I am coming to that. At the interview with Lord Coventry and the Prince of Wales and General Owen Williams you disclaimed the intention of taking the money which you had won on the 8th and 9th of September?—No; I never suggested it.

Not at the interview?—I did not.

Here is the cheque for the money that you received. I think it was paid into your bankers?—Precisely.

Into your general account?—Into my general account.

Then when you said that you had this £228 still you meant that you had that balance at your bankers still?—Yes.

You paid it into the bank and then drew your cheques in the ordinary way?—Precisely.

I do not think you even acknowledged the receipt of the cheque?—Receiving it and paying it in would constitute a receipt.

True, in law; I quite agree. The end of September passes, the whole of October, the whole of November, and up to the month of December you had done nothing?—In what way?

In any way towards your vindication or your reinstatement in the good opinion of your friends?—I had done nothing of any sort or kind.

And did you then, at the end of December—on 27th December—receive an anonymous telegram from Paris?—A letter.

Have you got it?—Yes.

It is in French, but I will read it, translating it as I go. It is dated "Paris," and says—"They are beginning to talk much here of what passed at Newmarket this summer and of your sad adventure. If you come to Paris or to Monte Carlo be very reserved and do not touch a card. They have talked too much about it"; and the signature is "Some one who pities you"?—Precisely.

I may just ask you, in passing, is the place from which this was written 4 Place de la Concord?—Yes.

Is that a club that you belong to?—Yes, it is.

Upon receiving this anonymous letter you sent it to General Owen Williams?—I did.

I think you have kept his letters, although you have not

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kept most of your letters?—I think I have kept his answer to my letter enclosing this one.

Have you a copy of your letter to him?—No; I have not copies of any of my letters.

[Sir CHARLES RUSSELL then read General Owen Williams's letter, in which the writer said he was absolutely at a loss to understand the occasion of the anonymous letter, and inquired whether Sir William Gordon-Cumming had any suspicion as to the person who had written it. The facts stated were wrong. Nothing of the sort had occurred, and he had not heard a syllable about it. The reference to Newmarket showed that the writer had but a very vague idea of anything that had occurred. He felt confident that nothing, however vague, had been mentioned by any one present at the time. If he heard anything he would let Sir William Gordon-Cumming know.]

Did you write him again on or about 15th January?—Yes. I think undoubtedly that I wrote to him again.

[Sir CHARLES RUSSELL then read General Owen Williams's reply, dated 16th January, from Penrith. The writer acknowledged the receipt of a letter from Sir William Gordon-Cumming, and said he had never heard any whisper outside of what had taken place. Of course, he could not ask a question as to what other people had heard, as that would appear strange, and, of course, no one would dare to say anything openly, as nothing could be proved in the face of the promise at Doncaster. Sir William had not given the name of the lady to whom he had referred. Could he not contrive to find out from her how, and when, and where, she had heard anything, and what was exactly what she did hear? Few people liked to repeat what they heard for fear of getting themselves into hot water. He would endeavour, with Sir William, to find out who was responsible and to stop the rumour. Sir William said he could not feel quite certain that he had done right in signing the promise. General Owen Williams assured him that there could be no doubt about it. There was an absolute necessity. Otherwise there was no loophole for the avoidance of a scandal, as Sir William's solitary asseveration would have been unavailing against the direct assertions of his accusers. He would have had no chance of fighting, but now, of course, as the accusation was made public, he could fight. But he advised fighting as a last resort. On 20th January General Owen Williams wrote another letter from Great Marlow, Bucks, stating that he had had a letter from "Johnny Willoughby" telling him that he had heard the story about Sir William Gordon-Cumming, and that he wrote to let him know about it. General Williams had replied that Sir William already knew

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all about it, and had determined to fix upon anybody who repeated it in order to make him try and prove his words.]

I may ask you in reference to this matter whether you did not correspond not only with General Williams, but also received two letters from Lord Coventry?—Yes.

And you have given Lord Coventry a subpoena *duces* to produce them?—I believe that is so.

I presume you have no objection to their being used?—Not the slightest.

I merely put that to you for the reason that one of them is marked “private”?—I do not think there is anything in them that I should object to being read.

There is one other letter which you received from General Owen Williams on 28th January. Am I right in saying that by the date we have now arrived at—namely, January—matters had got into a position in which you felt it incumbent upon you to communicate with your commanding officer, or with the military authorities? I am not conversant with these matters, so you will correct me if I am wrong?—You are quite right, Sir Charles—my commanding officer.

Who is that?—Colonel Stracey.

In fact, the matter had become so generally spoken about that you had ascertained that it had reached even his ears as well as those of others?—He told me he knew nothing about it.

Very well: I will take that. He had heard no rumour about it?—No rumour of any sort.

You are quite entitled to say that. At any rate matters had reached a condition in which you felt bound to make a communication to him?—Yes.

And to court an inquiry?—And to court an inquiry.

And by whom would that inquiry be conducted in the ordinary course of things?—That would depend entirely upon what steps the commanding officer chose to take.

What would be the ordinary course when a question involving the honour of an officer was raised?—I should say that probably a committee of three or four of the senior officers of the regiment would consider the matter.

These three or four would hear the evidence and adjudicate upon it?—Pardon me, I did not say that. They would discuss the matter. What steps would be taken I cannot say.

They would consider the matter, and determine what course ought to be taken?—Yes, I should think that is what would occur.

And they might either inquire into the matter themselves, or they might suggest to you to bring an action at law?—They might.

More probably they would inquire into the matter them-

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selves?—They would undoubtedly inquire into the matter to a certain extent themselves.

I mean with a view to arriving at a decision about it?—I should think they would not do so.

Do you not think so where the honour of one of their comrades was concerned?—I should think the matter would probably go much higher than the officers of the regiment—possibly to the general commanding the district, who would take such steps as he thought fit.

Would not the ordinary course be, in the case of an officer's honour being involved, for the matter to be inquired into by the military authorities?—They would hold some inquiry, undoubtedly.

And that is what you contemplated when you put yourself into communication with Colonel Stracey?—Precisely. I desired to do then what I should have done before, namely, to place myself in the hands of my commanding officer.

Am I right in supposing that you proposed to do this in connection with sending in your papers and asking leave to retire?—I communicated the case to my commanding officer, and at the same moment I sent in my papers asking leave to retire upon half-pay.

Now, we have got to January of the present year. Did you, when you had made up your mind to take that course, put yourself in communication with Mr. Levett—a subaltern in your own regiment—with Lord Coventry, and with General Owen Williams?—Yes.

Was that with the object of seeing whether the accusation against you might be softened down?—Softened down! How? Certainly not! Withdrawn.

You say that it was with a view of seeing whether your accusers would withdraw their accusation?—Precisely—entirely withdraw it.

And that only?—And that only.

Did you ever tell Colonel Stracey what the charge against you was?—I told him the whole of the circumstances from the start to the finish.

Will you kindly tell me what was the charge against you?—I told him precisely the story as it occurred—that in a house in which I had been staying the gentlemen whose names have been mentioned asserted that they had found me cheating at cards. I told him the whole of the circumstances of the case and exactly what had happened.

I want to remind you that you told me yesterday that what the precise charge was Lord Coventry was unable to tell you?—That was on the first occasion that I saw Lord Coventry.

And I understand you to say—correct me if I am wrong

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—that you never did hear from anybody what are the precise things you are charged with having done?—No; excuse me. I recollect either General Owen Williams or Lord Coventry saying that they saw me add to a stake on a tableau, or words to that effect.

I think I am right in saying that you did not say that yesterday?—I may not have done. At any rate that is so.

It was said that you added to the stakes when the cards proved favourable?—Precisely.

Did you tell Colonel Stracey that?—I think I did.

Will you swear that you did?—I am almost certain I did.

Will you swear you did?—I cannot swear to it, but to the best of my recollection I did.

Did you tell Colonel Stracey anything more than that imputations had been made upon you as to your manner of playing at baccarat?—I cannot recollect whether that was the phrase.

In substance?—I put before him the whole of the circumstances.

In that condition of things you saw General Owen Williams?—Yes, and Lord Coventry.

On what date did you see General Williams?—I think it would be about 26th January—on a Monday.

The SOLICITOR-GENERAL—That date is correct.

Cross-examination continued—On what date did you see Lord Coventry?—The same day.

On what date did you see Mr. Levett?—I cannot recollect. It was on or about the same time.

On what date did you see Colonel Stracey first?—It was on a Sunday—I think about the 25th.

I put it to you that you saw Mr. Levett on the same date—the 25th. Would that be correct?—There, or thereabouts.

I am not committing you to any particular words, but did you ask General Williams to try and help you?—I cannot say whether they were my exact words.

To that purport?—To that purport.

Did you on the 27th write a letter to General Williams?—It is quite possible; I cannot recollect.

After the interview?—Which interview?

After the interview you had with General Williams?—Very likely.

Was that a very strong letter?—I cannot recollect anything about it. Possibly it was.

Was it a letter in which you said that the incident had got so much talked of—I am not pledging you to the words—that the Tranby Croft matter had become so generally talked about, that there was very little left for you but to cut your throat?—No.

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Think?—No.

Or vanish?—No.

Did you in the same letter blame him and Lord Coventry for having advised you to sign the document, and did you ask him to write to you and state that you might put it before Colonel Stracey that, while you had signed the document, you had at the same time asserted that you were innocent?—I have no recollection of asking General Williams to do anything of the kind.

Will you say you did not?—I will, as nearly as I can recollect.

I must put it to you plainly. Did you not in that letter reproach him and Lord Coventry with the advice that they had given, but asking him to state—so that you might put it before Colonel Stracey—that at the time you signed the document you asseverated your innocence?—I have no recollection of the letter whatever.

I am not desiring to put it in any offensive manner, Sir William?—I am sure of that, Sir Charles.

But can you pledge your oath that you did not?—I did not.

Had you not, at the time that you wrote to General Williams the letter I am now asking you about, seen Colonel Stracey?—I had, certainly.

Had not Colonel Stracey told you that the fact of your signing the document could not be overlooked or could not be pardoned?—That was told me by Colonel Stracey two days after I saw General Williams and Lord Coventry.

That would be quite correct?—I saw Colonel Stracey on more than one occasion.

Did he on the first occasion say that your signing such a document could not be pardoned or overlooked?—No, he did not.

Did he on the second?—Precisely.

And did you not state that in your letter to General Williams?—If I wrote to General Williams it is more than likely that I did.

That being so, you having mentioned the signing of the paper, and Colonel Stracey having said that that was a matter which could not be overlooked, did you not beg General Williams to write and tell you—so that you could put it before Colonel Stracey—that while you had signed the paper you had asseverated strongly your innocence?—I have no recollection of writing any letter of that description.

And was it not in answer to such a letter that the letter of the 28th was written? I will read it:

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“ Temple House, Great Marlow, Bucks,
“ Wednesday, Jan. 28.

“ My dear Bill—There was nothing left but to place yourself as you have done unreservedly in Stracey’s hands, and now all must depend, as you say, on the attitude of those who made the accusations to Coventry. You are quite at liberty to tell Stracey that you signed the document under *extreme pressure* and the *promise of secrecy*, but that you never acknowledged for a moment either to Coventry or myself the truth of the accusations brought against you. You signed by the strongest advice on the part of Coventry and myself, who were deputed to present you with the *ultimatum*, and we were absolutely certain that unless you did so the accusations would immediately be made public, and that, therefore, your signature was the only possible hope of the avoidance of a horrible scandal, with which we believe you would have had no chance of contending with a possibility of success. The statement of the case drawn up at the time mentions the fact that Coventry and I clearly explained to you that your signature was tantamount to an admission of guilt; but while acknowledging this you signed as the only way out of the impasse, but in no way made any acknowledgment that you were guilty, but on the contrary strongly asseverated your innocence.—Yours ever,

“ O. W.”

Did you receive that letter and submit it to Colonel Stracey?—Very likely.

Did you not obtain it for that purpose?—It was volunteered by General Williams in answer to one of my own.

That is what I am putting to you?—I never said it was not, but you have no right to imply that I requested him to write this letter.

Most distinctly do I, and I ask you if you will undertake to say that you did not?—I do undertake to say that I have no recollection of doing anything of the kind.

You notice the phraseology of the first part of this letter : “ There was nothing left but to place yourself, as you have done, unreservedly in Stracey’s hands, and now all must depend, as you say, on the attitude of those who made the accusation to Coventry.” So you had said so?—No doubt I had said so.

Now, I must ask you, and just consider, please—at the time you were seeing Levett, your brother officer, and Lord Coventry, and General Owen Williams, and were receiving communications and letters from them, did you intimate in any way, directly or indirectly, that you had given instructions to bring an action against your accusers?—I saw them all before that.

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Then you did not?—No.

When did you determine to bring an action?—After consulting with some friends.

When?—About the 28th or the 29th.

The SOLICITOR-GENERAL—The date can be fixed by the documents.

Sir CHARLES RUSSELL—I am entitled to ask him.

The SOLICITOR-GENERAL—It is unfair to attempt to get him to mention some other date.

Sir CHARLES RUSSELL—I am not attempting to do so, but I am getting at his reliability.

Cross-examination continued—You say that you determined to bring your action after consulting some of your friends?—Yes.

When?—I think about the Tuesday of the same week—about the 27th or 28th.

Do you not know that on the day before that letter of General Williams was written your solicitors had already written avowing that they were going to bring an action?—Yes.

On the 27th or 28th?—Yes; there or thereabouts.

When did you give instructions to have these letters written?—I think I called on Mr. Wontner on Monday, the 26th.

And that would be two days before you received General Williams's letter of the 28th. How came it that you did not mention it to Lord Coventry or General Williams?—That I intended to bring this action?

Yes?—I remember distinctly mentioning it to Lord Coventry at the Carlton Club. The precise date I cannot recollect, but it was there or thereabouts.

Was it not in the middle of the week?—It was one or two days after I determined to do so. I had not seen his lordship in the meantime.

My point is that you did not mention the fact when you were in communication with any of these gentlemen?—At the time I was in communication with them I had no such intention, or I had not fixed my intention.

Did you on Sunday, 25th January, send a note to the Bachelors' Club addressed to Mr. Levett, asking if he could see you—or if you could see him, rather—at any time that afternoon at your house, or at any place he should choose to name?—Yes, I did.

Did you receive an answer that he would come to you about 5.30 at Harriet Street?—Yes.

And did he accordingly come at that time?—He did.

Did you take him into a little inner room?—I took him into the room in which I ordinarily sit.

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I am not suggesting that there was anything exceptional about it. Did you say to him, "I suppose you know what I want to talk to you about. It's all out. It's all over the place. I am utterly ruined. What do you mean to do?"—Certainly not. I never made any such statement or asked any such question.

Did he say that he was most unhappy about the whole business?—He did.

He is quite a young man, is he not?—About twenty-six, I should say.

Did he say, "What is there to be done"?—No; I do not think he did.

Will you say he did not?—I will say that he did not.

Positively?—As positively as I can recollect.

Is that as far as you can go? Did you say to him, "Couldn't you say you were mistaken?" or something like that?—No.

Sir William Gordon-Cumming, be good enough to be careful. Did not you say to this young gentleman and brother officer, "Do you think you could say you were mistaken?"—or something like that?—Something like that, certainly. I said, "You must know that you were in error," or words to that effect.

Did he say, "For the sake of yourself, and for the sake of your regiment, I would be willing to say I was mistaken; but how can I?"—No, he did not.

Or words to that effect?—No; no words to that effect at all.

Did you say to him, "Surely you cannot believe this thing of me"?—Very likely I did.

And did he say, "I cannot disbelieve my own eyes"?—No, he did not.

Did he say anything like that?—Perhaps you would like to hear what I said to him.

First of all answer my question. Did he say anything like that?—Yes. Will you allow me to say first what was the question I asked him.

Sir CHARLES RUSSELL—If his lordship thinks it convenient I have no objection.

The LORD CHIEF JUSTICE—You had better answer the question in the way in which it is put.

The WITNESS—The only answer I recollect Mr. Levett making was, "I thought I saw something."

Sir CHARLES RUSSELL—That does not convey much, unless you tell us what led up to it.

The WITNESS—That is what I thought.

Cross-examination continued—Will you allow me to put to you what I am instructed took place. Did he say, "I

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must believe my own eyes " ?—He did not. He never said anything of the kind.

Did you say, " What do you think you saw " ?—Yes, I did.

And did he say he saw you add to your counters ?—No ; he said he thought he saw something.

Then what did you say ?—I asked him what.

And he said what ?—He shilly-shallied and said, " I don't know."

He said, " I saw something." You press him to say what it was he saw, and his answer, according to your statement, is—— ?—He said, " I thought I saw something," and I said, " What ? " and he said, " I don't know."

You did say to him, I understand, " You must know you are mistaken " ?—Yes, I did.

Mistaken about what ?—About seeing me cheat at cards.

But he had not said you had ?—I beg your pardon. He was one of my accusers, and said so at the time.

Did you say, " You must know you are mistaken " without repeating what the mistaken statement was ?—Without my saying it and without his saying it.

Without either of you saying it ?—Yes.

Will you tell us in your own way what was the conversation between Mr. Levett and you on that occasion ? Why did you want to see him, to begin with ?—First of all to know specifically what he and others said they saw me do, of which I had not an accurate knowledge up to that time. When Mr. Levett entered the room I said to him, " You are aware that the whole of this story is all over the town ? " He said that he was, and expressed his extreme regret, and said that Mrs. Wilson was in a great way about it. I made some remark that that was all very well now, but that their statements had brought me into this tremendous trouble, and that if they still adhered to the statement they had made, it would go very hard with me, as there were five accusers to one. Then I said to him, " You must have been mistaken in saying that you saw anything of the kind. For Heaven's sake, what did you see ? " He said, " I think I saw something." I said, " What ? " and he shuffled and said, " I don't quite know." I then said, " Now, here you are a friend and a brother officer of mine. Will you go to Mrs. Wilson and tell her that you have seen me, and see if anything can be done in the matter ? " because I had hoped at this time that my accusers would have made a formal retraction of the accusation they had brought against me. He said he would, and went away.

We wish to have the whole interview, according to your statement ?—I think nothing further passed, Sir Charles.

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Then you have stated the purport of this conversation as well as you can remember?—As well as I can recollect.

But, Sir William Gordon-Cumming, you send this young man, your brother officer, to Mrs. Wilson to see what can be done, and you have added that you expected that they would make a retraction?—I did not expect it; I hoped it, and wished it. I thought that would be a solution of the whole matter.

You expected it, then?—I did not expect it, but I hoped it.

Then, not expecting a retraction, what was the young man to do when he saw Mrs. Wilson?—To tell Mrs. Wilson that he had seen me, and that I hoped that they would retract all the statements they had made, and that it was my wish that that retraction should be made before any Court or before any court of honour.

Although you did not expect it?—I partially expected it.

Although from September you held no communication with any of the five persons who had made this charge?—Having signed the paper I considered the matter at an end.

Did you take this young man by the arm, after walking up and down your room excitedly, and say to him, "This is a dreadful thing for me to have to ask you, but for God's sake do try and do what you can"?—No.

Did you say anything like that—did you ask him to do what he could?—I asked him what I have already told you. Nothing further passed whatever.

Did he say he would ask Lord Coventry's advice?—No; I do not think he did.

Will you say he did not?—I have no recollection of his mentioning Lord Coventry's name.

When he proceeded to leave the room did he discover the fact that the door was locked?—The door was not locked.

Do you swear that?—I do.

Did not you say, "I beg your pardon. I did not want the servants to come in and interrupt us"?—I have no recollection of saying anything of the kind, but probably I did not want the servants to come in and interrupt us.

Did not you say, when you discovered the door was locked, "I beg your pardon"?—I deny that the door was locked; there was no necessity for it.

I am not speaking of the necessity for it. Do you pledge your oath that it was not locked?—I do.

Did that young man upon that occasion, as far as you could judge, appear distressed and anxious to help you?—Yes, certainly.

Did you get a letter after the interview which you believe was on the Sunday, at Harriet Street?—It was on the Sunday; I am quite sure of that.

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Did you get a letter from young Mr. Levett—Mr. Levett, I beg your pardon—on the Monday, the 26th?—I think I did.

Have you got it?—No.

My lord, we have now got to a very critical period of this story. (*To Witness*)—What did you do with that letter?—Destroyed it, I suppose, with others.

You know you kept General Owen Williams's letters—why did you destroy Mr. Levett's?—Because I am not in the habit of keeping any letters at all. I am in the habit of destroying them. I kept General Owen Williams's letters because I thought it right so to do.

Why did not you keep Mr. Levett's?—I thought there was nothing important in Mr. Levett's letter. His announcement was "Nothing could be done." It was sufficiently brief to retain in my memory.

Was that the reason you destroyed it?—Certainly; it was one line.

"Nothing could be done"?—I think that was the expression.

Did he tell you in that letter that he had telegraphed to Wilson to come up to town?—I think he did.

Stanley Wilson—who is called by his friend, Jack?—Yes.

And that not seeing him, nothing could be done?—I think that was the tenor of his letter.

Or did you not receive two letters from him, one telling you that he had telegraphed to Jack Wilson to come up to town, and that he had seen Mrs. Wilson, and that after he had come up telling you that nothing could be done?—I think I did.

Yes; two letters. Did you acknowledge the last letter, in which he said nothing could be done?—I think it is more than likely that I did.

It is not a very important letter. Is this the purport of it—"Dear Mr. Levett—As you say nothing can be done, I suppose I must carry it to the bitter end in a Court of law. I am quite certain you had nothing to do with it, and I am quite certain you have no animus against me"?—Yes; that was the gist of my letter.

And that very day you instructed your solicitors to write a letter threatening an action?

The SOLICITOR-GENERAL—Stating that an action would be brought.

[Sir CHARLES RUSSELL then read the letter from Messrs. Wontner, addressed to Mr. Berkeley Levett, Guards' Club, demanding a retraction of the allegation, and an apology for having made it; and, in the event of his refusing to give these, informing him that an action would be commenced.]

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Sir Wm. Gordon-Cumming

The WITNESS—At the time I saw Mr. Levett I had not decided to bring an action.

[The reply of Messrs. Lewis & Lewis to Messrs. Wontner's letter of the 27th was read by the learned counsel, in which they were instructed to say that there was no single statement that Mr. Levett had made with respect to Sir William Gordon-Cumming that he was not prepared to substantiate in a Court of law or elsewhere. Under these circumstances he was prepared to meet Sir William Gordon-Cumming before any tribunal, but the responsibility of such an inquiry would rest upon Sir William Gordon-Cumming.]

Cross-examination continued—On the very day that that letter was received by Mr. Levett did he meet you in Piccadilly?—Yes.

Did he say that there was no chance of anything being done?—Or words to that effect. Then he made some comment.

Did you say, "Why are you all so dreadfully *acharné* against me?" and did he say, "That is not the case"?—Yes.

Did he say, "It is not the case of being *acharné* at all," and add: "By the by, I have a pleasant communication from your solicitor this morning"?—He did.

And did you say, "Oh, yes; but there is no need for that to go on"?—Yes; I used those words.

I now come to Lord Coventry. When did you see him?—I think on the Monday, the 26th, about five o'clock in the evening, that was the first time that I saw him. Will you kindly tell me, Sir Charles, whether it was Monday, 26th?

Yes, it was. Where did you see him?—At General Williams's house, Lord Coventry being present.

What took place?—I said I had seen General Williams that morning, and he had made an appointment to meet me.

Did you ask them to see what they could do to help you?—Yes.

At that time there was no suggestion of an action at law at all?—None. I had not been advised to bring an action.

Even at that stage did you know that they were both anxious to help you if they could?—I think at that moment they were both anxious, but they showed no signs of it on that occasion.

You asked Lord Coventry for a copy of the document containing an account of the affair at Doncaster?—Yes.

Here is a card: "Dear Lord Coventry—Have you the document containing an account of the affair at Doncaster? If so, will you send me a copy, and I will return it." Would that be the Tuesday?—I should say that would be Tuesday, the 27th.

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Will you look and see whether this is Sunday, the 25th (handing letter)?—I am not sure what it is.

“Sunday—2 Harriet Street, Lowndes Square, S.W. Dear Coventry—I am compelled very reluctantly to write you on the subject of what took place at Tranby. You recollect that, acting under the advice of yourself, Owen and His Royal Highness, I signed a promise on the condition of strict secrecy on the part of all concerned. The whole story is now in every one’s mouth, and told unfavourably for me, on the ground that, my having signed this promise, I then and there admitted being guilty of what I was accused of. This, as you know, was untrue. I persistently, as I now do and always shall, deny being aware of having done anything approaching to foul play wilfully.”

What do you mean by that?—I wished to imply by that that it was possible my accusers might have made a mistake, and thought I had done something which I had not done, and thought I had cheated at cards.

“But I told you at the time that I thought your advice was wrong, that it could not in the hands of so many people long remain a secret, and what is the result? That, as far as I can see, I have no option now but to do what I ought to have done at the time, put the whole thing in the hands of my regiment and some friends and stood by their verdict. Now I am in a far worse position than before. It will always be open to say that by signing the promise I did I tacitly, if not openly, admitted my guilt. I have consulted two friends on the turf—S. Finch and W. Craven—and shall see Stracey, who commands my regiment, this evening. I have also seen F. and Coke, and intend by degrees telling every senior officer in my regiment exactly what occurred. How is it to end? I cannot say, but as you were most kind and sympathetic to me in the horrible position in which I was placed at the time, and as I acted as I did under your advice, I think it well to let you know what is going on, and to tell you how far we were justified in taking the word of those who promised secrecy.—Yours truly,

“W. GORDON-CUMMING.”

The next letter is marked “6.45. Private. Carlton Club.”—

The Lord Chief Justice here interposed.

Sir CHARLES RUSSELL—We have taken the best advice, and I have begun by asking the gentleman if he had any objection.

The LORD CHIEF JUSTICE—What could a gentleman say?

Sir CHARLES RUSSELL—We have had the advantage of consulting a legal colleague who is not now in the case and of

Evidence for Plaintiff.

Sir Wm. Gordon-Cumming

considering among ourselves. If your lordship will read the letter——

The SOLICITOR-GENERAL—I do not think my learned friend is aware that I have not known the contents of these letters.

Sir CHARLES RUSSELL—I am not bound to show them.

The LORD CHIEF JUSTICE—I do not say there are no cases in which a private letter may not be read. The writer himself may destroy the privilege. I do not say there are no such cases, and it is for the learned counsel to determine. I only ask you, have you decided? And only ask whether to read a letter marked “Private” is *prima facie* not desirable?

Sir CHARLES RUSSELL—We have decided. I should like to take the suggestion your lordship has made. We think that the particular letter does come within the description of your lordship: it is not connected with anything else but this case, and it is addressed to Lord Coventry, whose conduct, although no unworthy motives are alleged, is impugned.

The LORD CHIEF JUSTICE—I have said all I can say.

Sir CHARLES RUSSELL—My lord, I very anxiously did consider the matter, and I was not content with the opinion of my colleagues on the matter. I went outside that advice and asked advice elsewhere, with the result—I ought to tell your lordship Lord Coventry felt the same difficulty, and it was for that reason that I sought advice, and it was for that reason also that I prefaced the question to Sir William Gordon-Cumming whether he desired the letter not to be read.

The LORD CHIEF JUSTICE—That is outside the question. A gentleman cannot say that he objects to anything being read, especially when his honour is concerned.

Sir CHARLES RUSSELL—I am put into a position of some difficulty, I confess.

The LORD CHIEF JUSTICE—I am only anxious that a Court of law should be conducted on principles of fairness and honour.

Sir CHARLES RUSSELL—I have suggested, by the tenor of my cross-examination, that this gentleman was content to remain without taking any proceedings so long as he thought secrecy might be maintained.

The SOLICITOR-GENERAL—I think this crowns the impropriety of the course which has been taken in this matter. My learned friend has chosen to put a question as to a letter which is marked “Private.” I should have thought that the unbroken traditions and the rules of the conduct of a case in the profession would have been that, before any such letter were referred to at all, private communication would

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Sir Wm. Gordon-Cumming

have been made to me, as counsel on the other side, with regard to its contents.

The LORD CHIEF JUSTICE—I do not say anything about that. Sometimes cases may arise in which the word "Private" must be treated with utter scorn. For instance, a letter may be marked "Private" for the very purpose of annoyance, and the word private in that case does not deserve to be respected. I have not read this letter; I am not in the least degree acquainted with its contents; but I wish to say now that I am very anxious to do anything so long as confidences between gentlemen shall not be broken.

Mr. ASQUITH—May I say a word on this point?

The SOLICITOR-GENERAL—It is not a question for argument.

Mr. ASQUITH—The only observation I was wishing to make is that my learned friend, Sir Charles Russell, and all our colleagues have fully considered this point, and if we had not come to the conclusion that this letter falls within the category of letters referred to by your lordship—wherein by the mere marking of the word "Private" at the top privilege could not have been effectively claimed—we should not have dreamed of introducing it in cross-examination.

The LORD CHIEF JUSTICE—I have called attention to the point for counsel to consider.

Sir CHARLES RUSSELL—We bow to the suggestion your lordship makes.

The LORD CHIEF JUSTICE—If the plaintiff wishes he is entitled to have the letter read.

The WITNESS—I really forget at the moment the contents of that letter.

Sir CHARLES RUSSELL—Will you give me that letter, Lord Coventry, please?

The SOLICITOR-GENERAL—Wait a moment, please.

Sir CHARLES RUSSELL—I was going to say, will you read that letter, and then see whether he wishes it to be read?

The SOLICITOR-GENERAL—I say it is the most unfair course I ever remember to have seen pursued.

Sir CHARLES RUSSELL—Do I understand your lordship to say if Sir William Gordon-Cumming desires it to be read it can be produced?

The LORD CHIEF JUSTICE—There are many cases in which a man has written privately, and under such circumstances ought not to be deprived of the right of not having the letter read. I am sorry I interfered. All I did was to ensure that the learned counsel should consider the point before anything was done.

The SOLICITOR-GENERAL—I understand my learned friends have considered the point, and they do not press it.

Evidence for Plaintiff.

Sir Wm. Gordon-Cumming

The LORD CHIEF JUSTICE—I have not read the letter.

Re-examined by the SOLICITOR-GENERAL—You were cross-examined yesterday, Sir William, as to whether on the evening of 10th September, after dinner, there was a conversation at Tranby Croft, and whether you asked His Royal Highness to put his name in Miss Wilson's birthday book?—Yes.

There was a Miss Wilson who had not come out, and she wished to have His Royal Highness's name in her birthday book, and you asked him to give it?—I did.

And were you that evening in conversation with the other people in the house in the usual way?—Quite in the usual way.

That was the night of the 10th. You were asked about the suggestion of His Royal Highness through General Owen Williams that you should not go to Mar Lodge?—I was. I was under an understanding to go and stay with the Duke of Fife.

Is the appointment of your visit the reference to the word Mar in the letter read by my learned friend?—Yes.

On the evening of the 10th what was about the length of the interview you had with Lord Coventry and General Owen Williams before dinner?—I should say about a quarter of an hour to twenty minutes.

And how long did your interview with His Royal Highness that evening last?—About a quarter of an hour.

At either of these interviews was any detailed statement made to you as to the allegations which different people were making?—No.

A letter had been addressed to you by General Owen Williams, in which he speaks of the account drawn up at the time; were you aware that Lord Coventry and General Owen Williams had put the whole of the facts into writing until you saw them on 26th January in this year?—No; I was not.

In the early part of this year mention of this matter had been made in society?—Yes.

And you consulted the two friends mentioned in your letter to Lord Coventry?—Yes.

On 25th January you communicated with Colonel Stracey?—I did.

I understand you could tell from conversation with Colonel Stracey that he had never heard of the matter before?—I gathered from Colonel Stracey that he had not heard one word about it.

I understand that was the course which it was your duty

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to take—to submit it to your commanding officer in the first instance?—Yes, it was.

And on that evening you saw Mr. Berkeley Levett, and you had some conversation with him, of which you have given us an account?—I did.

Did Mr. Berkeley Levett on that occasion say anything to you as to whether he thought he saw something on either of the nights or both of the nights?—As far as I can recollect Mr. Levett said he knew nothing at all whatever about the matter until he was going to the races on the Tuesday. It was a matter of discussion in the saloon carriage in which he rode.

You say he knew nothing whatever about the matter. What led to that?—I think I said to him, “Did not you think when you heard that I was to be watched on the Tuesday night—did you not think of doing something friendly to me in the matter?”

On Monday, the 26th, I gather you saw General Owen Williams twice?—Yes, in the morning. He was alone then. It was arranged that I should see him and Lord Coventry later.

Was he to see anybody else in the matter in the meantime?—Yes.

Who?—His Royal Highness the Prince of Wales.

And then in the afternoon, as I understand, this account of the circumstances was read to you?—Yes.

In that document I find this passage:—“After returning from the races on the 10th inst., Mr. Lycett Green, having previously taken counsel with his father on the matter, made a statement to Lord Coventry to the effect that his brother-in-law, Mr. J. Wilson”—you know why he is called “J,” because his name does not begin with a “J”—“had told him on the evening of the 8th that Sir William Gordon-Cumming systematically placed a larger stake on the table after the card had been declared in his favour than he had originally laid down, and when the cards were against him he frequently withdrew a portion of his stake—by these means defrauding the bank.” Do you remember, Sir William, whether, on the evening of 10th September, when these matters were mentioned to you orally, the accusation had been defined as clearly as that?—It was not defined as clearly as that at all.

“This conduct”—still referring to 8th September—“had also been noticed by Mrs. Arthur Wilson, who informed her husband of what she had seen. Mrs. Lycett Green and Mr. Levett, having been also made acquainted with the facts, it was agreed that they should all carefully watch the play on the following night, when Sir William Gordon-Cumming was

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frequently observed most distinctly to repeat the same practice." Had that motive of the watching been mentioned to you on the evening of 10th September?—Yes.

I want to come to the end of this. "Lord Coventry and General Owen Williams then saw Sir William Gordon-Cumming, and explained the only possible condition on which silence could be maintained would be that he should sign the undertaking before-mentioned, but at the same time they clearly pointed out that his signature to this would be a distinct admission of his guilt." Did you make any observation upon that passage?—I did. I took great exception to it.

What exception did you take to that?—I said by my signing that paper it would be tantamount to an admission of guilt. It was I who made that statement.

The LORD CHIEF JUSTICE—You said yesterday, "Why, this is tantamount to an admission of guilt." You said that twice, and they replied, "No doubt that is so."

The SOLICITOR-GENERAL—There is no contradiction.

Cross-examination continued—Was that the only point you took objection to in the précis—that you were the first to say it would be tantamount to an admission of guilt?—I think that was the only exception that I took.

You were shown a copy of the précis, and you understood the original was in the possession of His Royal Highness?—No, I was not aware of any copy being made.

Yes, yes. There was no mention then of the original being in the possession of His Royal Highness?—You mean of the précis. No, there was none.

That having been brought to your knowledge on the 26th, you then asked Lord Coventry for a copy?—I did.

You saw your solicitor on the 27th, and the letters were written?—Yes.

These letters of General Owen Williams to you, which were written some time subsequently at Tranby Croft, begin, "Dear Bill," or "My dear Bill," and are signed, "Yours ever, O. W." Was that the way habitually for General Owen Williams to write to you during the years of your friendship?—Yes, habitually.

A number of letters of yours have been produced written to General Owen Williams and some to Lord Coventry. Have you, through your solicitor, applied to those gentlemen for copies of the letters written to you, and have you failed to obtain them?—I believe that is the case.

His Royal Highness the PRINCE OF WALES, examined by the SOLICITOR-GENERAL—Your Royal Highness has known Sir William Gordon-Cumming for twenty years?—I have.

The Baccarat Case.

H.R.H. The Prince of Wales

Am I right in saying for the last ten years at least he has enjoyed your Royal Highness's favour?—Certainly.

He has been a guest at your house?—On several occasions.

And admitted to your companionship and intimacy?—Certainly.

And did that friendship—intimacy—continue unimpaired and undisturbed up to 9th or 10th September of last year?—It did.

On the afternoon of 8th September, sir, had he travelled down to Tranby Croft with you?—Yes.

And on the evening of the 8th and the evening of the 9th had played baccarat at the times which have been mentioned in his evidence?—Yes.

You, sir, took the bank on both occasions?—I did.

Do you remember on the first evening there was no croupier?—I think not.

In the event, sir, of there being no croupier, the banker himself would be open to receive payment of counters?—He would, unless he asked a friend to perform that duty for him.

Then he might ask some friend to do that in order to take the trouble from him of receiving and paying the counters while he was dealing the cards?—Very frequently, but not always.

On the second evening, sir, General Owen Williams, I believe, acted as croupier?—Yes.

Is it a fact, sir, at the end of the second evening's play Sir William Gordon-Cumming showed you his tableau, and a remark passed as to his winnings?—I think so.

And at the time that that tableau was shown and the remark made, I take it that nothing had occurred to give you the smallest suspicion as to his play?—Nothing whatever.

It was not, I believe, sir, until the evening of the 10th that any communication was made to you in regard to the alleged bad play?—No.

May I ask by whom the communication was first made to your Royal Highness?—By the Earl of Coventry.

And before dinner on the evening of the 10th your Royal Highness had heard no statement from any one except Lord Coventry?—From nobody.

May I ask if your Royal Highness remembers whether the statement made to you by Lord Coventry purported to be the statement of an individual, and, if so, whether that individual was named?—Of individuals.

Of whose?—Of three gentlemen and two ladies.

Then, in the first instance, it purported to be a statement to which all five of them could speak?—Exactly.

Evidence for Plaintiff.

H.R.H. The Prince of Wales

I believe your Royal Highness did not see any of the five persons mentioned until after Sir William Gordon-Cumming had had the honour of an interview?—I did not.

At that interview Sir William emphatically denied the charge?—He did.

And did your Royal Highness after that interview see a number of persons who had been present at the table?—I did.

I am not sure whether you said all the five persons?—Not all.

May I ask if your Royal Highness remembers how many of them? Mrs. Wilson, you did see her, I think?—No; not then.

Mr. Lycett Green?—Yes; Mr. Lycett Green.

Mr. Stanley Wilson?—Yes.

Mrs. Lycett Green?—No.

Mr. Berkeley Levett?—I think so, but I am not quite certain.

We know now that Lord Coventry and General Owen Williams had at some time prepared a précis of the incidents of that night, and handed it to the custody of your Royal Highness?—It was much later.

I said, "at some time." I was going to ask at what time?—My impression is three or four days or a week after we separated.

Then the party at Tranby Croft broke up, as I think, on the Thursday or Friday?—On the morning of the 11th, owing to the sad event which had occurred in the family.

Is it the fact, sir, that on the news of that event coming a suggestion was made as to the breaking-up of the party?—Yes; on the Thursday morning.

Then your Royal Highness was in London or at Sandringham when the précis was sent?—I was in Scotland.

And had you in your possession at the time the document which had been signed by Sir William Gordon-Cumming?—I had sent that to London on the evening of Friday, the 11th.

That paper, signed by Sir William Gordon-Cumming, bears the address and date, "Tranby Croft, September 10, 1890," in your Royal Highness's handwriting?—Yes.

Now, on receiving subsequently the record of the circumstances drawn up by Lord Coventry and General Owen Williams, did your Royal Highness read that record?—I read it. It was sent to me first by General Owen Williams. Then I had it sent back so that Lord Coventry should sign it.

It was returned signed by Lord Coventry?—Yes. I read it.

And did it agree with your own recollection of what had been stated to you about 10th September?—Yes.

The Baccarat Case.

H.R.H. The Prince of Wales

I believe you sealed up the two documents, put them into a packet, and sealed it; and they remained in your possession until they were asked for in connection with this case?—I sent them to my private secretary, Sir Francis Knollys, under seal; he knowing nothing of their contents, and they were to be put in a safe place.

They were kept in a safe place until they were asked for?—Precisely.

Cross-examined by Sir CHARLES RUSSELL—How long, sir, after the visit to Tranby Croft did you receive what has been called the *précis*?—I should think about a week; it may have been less.

I think it is also the fact that General Williams sent to you two or three letters immediately following the event, which you also put with these same papers?—Precisely.

Do you recollect whether, in addition to the three gentlemen, Mr. Levett, Mr. Wilson, jun., and Mr. Lycett Green, you also saw two of the Somerset family—Lord Edward Somerset and Captain Somerset?—I believe I did.

To whom certain statements had been made by the other three?—Yes.

They had been consulted by the other three?—Yes.

Had you also been informed that the two ladies, whom you did not at the time see, also alleged that they had witnessed foul play?—I had.

I think you say you did the next day see Mrs. Wilson. I don't know whether it was the next day?—I saw Mrs. Wilson the next morning.

Did she make a similar statement to you?—She said very little.

In reference to the statement, there is one point in it respecting which I should like to ask you whether you can charge your memory if any of the three gentlemen said anything of the kind. Do you recollect whether Mr. Lycett Green, or Mr. Arthur Wilson, or Mr. Levett, said anything about withdrawing a portion of the statement?—I do not remember that.

The LORD CHIEF JUSTICE—Is this about withdrawing a portion of the statement?

Sir CHARLES RUSSELL—It is in the *précis*, my lord.

Cross-examination continued—You do not remember any such statement being made?—I do not personally.

Now, had you, sir, seen those three gentlemen, and heard the statement with reference to these ladies, before you were called upon to express any opinion as to the signing of the memorandum?—Yes, previous to the signing of the memorandum.

Evidence for Plaintiff.

H.R.H. The Prince of Wales

May I ask whether that paper was the suggestion of yourself, or of any one in which you acquiesced?—I acquiesced in the suggestion made by Lord Coventry and General Owen Williams.

The suggestion did not come from you?—No.

I need hardly ask you whether you were greatly distressed by the occurrence?—Yes.

Do you recollect, at the interview which Sir William Gordon-Cumming had with you, in the presence of General Williams and Lord Coventry, his asking you whether you could believe the statement, or something to that effect?—I do not think he asked me that question.

Do you recollect what you said with reference to the story of the witnesses when you heard it?—I have no distinct recollection.

Do you recollect whether Sir William made any reference to the Duke of Cambridge?—I am certain he did.

You are quite clear he did?—I am quite certain of it.

And upon his making that reference, did General Williams say anything?—He said he thought the authorities and the Duke of Cambridge would not have dealt so leniently in the matter as we did.

Did you desire to act in the circumstances of the case as leniently as you could to Sir William Gordon-Cumming?—Most certainly.

The date which appears on that paper was put there after it was signed—in point of fact, it came to you without signature?—The date was put on after it was signed. It was an omission on the part of Lord Coventry.

It was put on the same night?—Yes.

You have been asked whether you have been intimate with Sir William Gordon-Cumming. You have not met him since, and have intimated to him that you cannot meet him?—[No answer.]

By a JURYMAN—I should like to ask one question. Are this jury to understand that you as banker on these two occasions saw nothing of the alleged malpractices of the plaintiff?—No; it is not usual for a banker to see anything in dealing cards, especially when you are playing among friends in their house. You do not for a moment suspect one of anything of the sort.

What was your Royal Highness's opinion at the time as to the charges made against Sir William Gordon-Cumming?—The charges appeared to be so unanimous that it was the proper course—no other course was open to me—than to believe them.

The Baccarat Case.

H.R.H. The Prince of Wales

The SOLICITOR-GENERAL—I take it that the answer to the first question is “No.”

General OWEN WILLIAMS, examined by the SOLICITOR-GENERAL—You have been for years well acquainted with Sir William Gordon-Cumming?—Yes.

In the closest personal friendship with him for a period of over twenty years?—Yes.

Received him repeatedly as a guest at your house?—I have.

And been a fellow-visitor with him on many occasions in the company of His Royal Highness the Prince of Wales?—Yes.

And did that close personal intimacy continue unimpaired till the close of 10th September, 1890?—It did.

In September last year did you go in his company to Tranby Croft as one of a party assembled on the occasion of Doncaster Races?—I was one of the party.

On the evening of 8th September were you playing at baccarat with him and others at Tranby Croft?—I was.

I believe the description of the table and the arrangement of the party who sat there which he has given is correct?—As nearly as I can remember.

Upon the first evening, the 8th, do you remember whether you were acting as croupier?—I was not.

Was there any croupier on that evening?—I think not.

So that in that case His Royal Highness would give and receive the counters which he lost and won?—Yes.

Assisted by other persons?—Assisted as to the passing.

Or assisted as to the amount he would have to pay?—No, but as to passing.

Do you happen to know where Mr. Reuben Sassoon was on that evening?—No; I do not think he was playing.

No; he was keeping the counters, was he not?—At one period of the evening he was.

You do not think he was playing at all on the evening of the 8th?—I think not.

I will just dispose of that point at once. I don't think he was playing on the 9th either?—I think not.

Then on the evening of the 8th you were an ordinary player?—I was.

Do you remember whether you were or were not in the same tableau with Sir William Gordon-Cumming?—I do not know.

On the evening of the 8th the play lasted about an hour and a half?—About that.

And you separated, of course, and went next day to the races?—Yes.

And played again on the evening of the 9th?—Yes.



The Prince of Wales in the witness box.

By courtesy of The Illustrated London News.

Evidence for Plaintiff.

General Owen Williams

On that evening I think you did act as croupier?—I did.

I do not know whether that would involve your sharing the bank or not?—It did.

So that on the evening of the 9th His Royal Highness and yourself shared the bank as being interested in its prosperity or its loss?—That was so.

And the play again lasted about the same time, and the party again separated?—Yes.

Then to the races again on the 10th, and the party returned to Tranby Croft on the afternoon of the 10th after the Leger had been run?—Yes.

At about what time and by whom was the first communication made to you with respect to any suggested foul play on the part of Sir William Gordon-Cumming?—About seven o'clock on Wednesday, the 10th.

And by whom?—By Lord Coventry, who intimated that something very disagreeable had happened, and asked me to come to his room to discuss the question. At that time I had no idea what the question was.

Did you then go to Lord Coventry's room?—I did.

Did you there meet any other person or merely Lord Coventry?—On arriving at Lord Coventry's room, I found Mr. Lycett Green, Mr. Arthur Wilson, Mr. Berkeley Levett,* Lord Edward Somerset, and Captain Arthur Somerset.

By which of these gentlemen was the statement made in your presence?—By Mr. Lycett Green.

I ask you a question now to be answered "Yes" or "No." It depends on your answer whether I have to follow it up. Prior to the dinner hour on the evening of the 10th, did you hear any statement as to the alleged facts by any one other than Mr. Lycett Green?—No.

And when Mr. Lycett Green made that statement I understand Lord Coventry and you were both in the room listening to it?—We were.

Did you on that evening or at a later time, and when, set down in writing that statement?—At a later time I set it down in writing.

And set it down accurately?—As well as I could remember.

At all events, to the best of your honest recollection?—To the best of my honest recollection.

Will you kindly look at the document which is before my lord, and say if it is the paper on which you recorded the statement made by Mr. Lycett Green? [Paper handed to witness]—It is.

It has already been read in your hearing, and is in your handwriting?—Certainly.

* Mr. Berkeley Levett was not present at this interview; General Owen Williams afterwards admitted his error to Sir Edward Clarke.

The Baccarat Case.

General Owen Williams

"After returning on the 10th inst., Mr. Lycett Green made a statement to Lord Coventry." That statement, as I understand, was made in your presence?—He made the statement to Lord Coventry, and repeated it in my presence.

"That his brother-in-law, Mr. J. Wilson (that is, Mr. A. S. Wilson), had told him, on the evening of the 8th, that Sir William Gordon-Cumming systematically placed a larger stake on the table after the card had been declared in his favour than he had originally laid down, and that he repeatedly withdrew a portion of the stake when the card was against him"?—That is the statement I wrote down.

And the statement that was made to you?—To the best of my belief.

The statement goes on to say that this conduct had also been noticed by Mrs. Arthur Wilson and others, and that Sir William Gordon-Cumming was again observed to do the same thing; that Lord Coventry, on hearing this, consulted General Williams; and that Mr. Lycett Green repeated the statement to both of them in the presence of Lord Edward Somerset and other persons?—Yes.

I believe you and Lord Coventry considered that, in these circumstances, it was your duty to inform His Royal Highness of what took place?—That was so.

But before informing His Royal Highness of the matter, did you agree to make a suggestion to His Royal Highness as to the way in which it should be dealt with?—No.

Was the suggestion of an undertaking of secrecy considered between you and Lord Coventry before you saw His Royal Highness or afterwards?—We had very little time for consultation, but I think it was proposed to make this suggestion, so that if possible the knowledge of this most lamentable occurrence should not pass outside the house.

Did you make that suggestion before you went to see His Royal Highness?—I think I made it to Lord Coventry before the interview with His Royal Highness.

At the time you made that suggestion had you or had you not seen Sir William Gordon-Cumming?—We had not.

You say "we"?—Neither of us.

Or heard any statement from anybody except Mr. Lycett Green?—No statement whatever except from Mr. Lycett Green.

The suggestion that was afterwards agreed upon was that for the sake of all concerned and society at large it was most desirable that the circumstances should not be allowed to transpire outside the immediate circle of those already acquainted with the facts, but as a condition of silence Sir William Gordon-Cumming must be made to sign an undertaking never again to play cards for the rest of his

Evidence for Plaintiff.

General Owen Williams

life. And the statement goes on to say that His Royal Highness, on being made acquainted with the circumstances of the case, agreed that such a solution was possible. When His Royal Highness came into the room where Lord Coventry and you were, by whom was the communication made to him?—By Lord Coventry.

But made in your hearing?—Yes.

And you were able to confirm the accuracy of the report which Lord Coventry made?—I was.

The statement goes on to say that Lord Coventry and General Williams then went to Sir William Gordon-Cumming and informed him that he was accused of cheating at baccarat. He denied it emphatically, and begged to be allowed to see His Royal Highness, who consented to see him provided Lord Coventry and General Williams were present. Sir William again denied the truth of the accusation, but was told it was utterly useless to attempt denial in the face of the evidence of so many totally unprejudiced persons, whose interest it was that no scandal should happen in the house. At the time Sir William Gordon-Cumming was told that the statement of Mr. Lycett Green was the only statement you had heard?—Yes. I think I should add that the other witnesses of the accusation were present in the room when Mr. Lycett Green made his statement.

I am obliged to you for referring me to that. You say Mr. Lycett Green repeated the statement which he originally made to Lord Coventry in a more formal manner to Lord Coventry and you?—He did, the other persons being in the room listening to the statement.

It is only right I should call your attention to this passage: “Mr. Lycett Green repeated his statement to them in the presence of Lord Edward Somerset, Captain Arthur Somerset, and Mr. Wilson.” Was there any one else present?—Only Mr. Berkeley Levett, the two Somersets, Mr. Wilson, and Mr. Lycett Green.

So that we have to add the name of Mr. Berkeley Levett as being present in the room?—Yes.

Well, now, I think we have the order of events so far. Statements were made, and you had determined upon a suggestion to the Prince of Wales that the matter should be hushed up, before Sir William Gordon-Cumming had been seen at all?—Yes.

And before the other witnesses had been heard?—Yes. I think the other witnesses gave us the impression that they confirmed all that was said.

I am obliged for the suggestion, because I understand that Mr. Berkeley Levett and Mr. A. Wilson were present, and

The Baccarat Case.

General Owen Williams

tacitly gave you to understand that they agreed; but that that does not apply to Mrs. Wilson or to Mrs. Lycett Green?—Yes.

The statement further goes on to say that the Prince of Wales afterwards saw Mr. Lycett Green, Mr. Arthur Wilson (that is the father, I presume), Mr. Levett, Mr. Stanley Wilson, Lord Edward Somerset, Captain Arthur Somerset, and Mr. Sassoon, and listened to statements made, and that it was pointed out to these gentlemen that the *exposé* would be a horrible public scandal. Where and by whom was it pointed out that it would be a horrible scandal?—By Lord Coventry and myself.

Was it made in the presence of His Royal Highness or not?—No, I think not.

Was it before or after they had the interview with His Royal Highness?—That I could not be quite sure of. I think before.

“Lord Coventry and General Williams then saw Sir William, and explained that the only possible condition on which silence could be maintained was that he should sign the undertaking before referred to.” Had that undertaking been already put into writing by Lord Coventry when it was first mentioned to Sir William Gordon-Cumming?—It was put into writing before our last meeting with Sir William Gordon-Cumming.

Had it been already put into writing before it was suggested to Sir William?—Oh, yes, I believe so.

Now, upon that document being produced to Sir William Gordon-Cumming, did he say anything with regard to its being tantamount to a confession of guilt?—He did.

Did you agree that it would be so considered?—Undoubtedly it would.

But did you tell him that his signature was the only way of avoiding a horrible scandal?—Yes.

That it was the only possible hope of the avoidance of a horrible scandal, and that you and Lord Coventry believed he would have no chance of contending against it with any possibility of success?—That is so.

At that time you were under the impression that he would have to meet five witnesses agreed upon the facts?—Yes.

Agreed upon the facts as stated by Mr. Lycett Green?—Certainly our impression was that the evidence was so overwhelming that it could not be opposed.

At that time you were under the impression that there were five witnesses against him?—We were.

The document was signed by a number of persons who did not profess to have seen any foul play?—Undoubtedly it was.

Evidence for Plaintiff.

General Owen Williams

Then the expression "Signed also by the gentlemen cognisant of the facts of the case" means "gentlemen who had been informed of the matter"?—Yes.

Some of them having been present when Mr. Lycett Green made the statement?—Yes.

Now, having gone through the précis, I understand that this account was not written on the very night the transaction took place?—No; the following week.

Did Lord Coventry or yourself that night make any memorandum of the statement that had been made?—Lord Coventry did, I believe. I did not.

The document which is before my lord is, I understand, in your handwriting, and was prepared by you and sent to His Royal Highness, as a record of the transaction, a few days after the occurrence, and while the matter was quite fresh in your mind?—Yes.

And His Royal Highness informed us that he sent it back to be verified by Lord Coventry and signed?—Yes.

Having been verified by Lord Coventry and signed by him, it was remitted back to the custody of the Prince of Wales?—Yes.

Was it of your own motion or on another's suggestion that you took the trouble to make a detailed record of these facts?—Entirely of my own. I thought, after the document had been signed, that it was necessary that the occurrence should be recorded; therefore I wrote it out.

As an authentic record?—As authentic as I could remember.

You yourself signed the document which was presented to Sir William Gordon-Cumming and signed by him?—Yes.

Well, now, I think your communications to Sir William Gordon-Cumming since that date have been mostly by letter?—Yes.

Is it the fact that Sir William Gordon-Cumming's solicitors asked you to give them copies of letters which you had from Sir William?—Yes.

And you took no notice of the request?—I did not. I had none in my possession.

What about the letters produced to-day?—They were not in my possession.

Certain letters have been produced to-day which were written by Sir William Gordon-Cumming to you, and of which I have received no copy. In whose possession were they?—I think in Lord Coventry's.

But you took no notice of the application that was made to you in writing?—No.

In whose possession have the letters been which to-day have been produced as having been written by Sir William Gordon-

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Cumming to yourself?—I cannot say positively, but I imagine they were placed with the other documents which you have just read.

Sir CHARLES RUSSELL—As I understand it, the papers of last September, which were immediately connected with the transaction, were forwarded to the Prince of Wales, and were produced to me from Sir Francis Knollys. The later letters were destroyed by General Owen Williams as they were received.

Examination continued—Then have we all the written communications between Sir William Gordon-Cumming and yourself?—By no means.

All that exist?—Yes.

Well, now, on Monday, 26th January, I think Sir William Gordon-Cumming saw you twice?—Yes.

And at the second of these interviews you showed or read to him the account you had drawn up of this incident?—Yes; it was shown in my presence by Lord Coventry.

Was the original document shown to Sir William Gordon-Cumming?—Yes.

On the afternoon of 26th January Lord Coventry was in possession of it?—Yes.

Upon that document being read to him, or by him, did he take exception to the sentence in which you pointed out that it was an admission of guilt?—To the best of my recollection he said, "This is a very fair account of what happened, but I think you might have let me off more easily," or words to that effect.

Did he call attention to the particular sentence where they pointed out that his signature would be a clear admission of guilt?—That was the sentence to which he referred.

Was it in consequence of that observation of his that you wrote the letter of 28th January?—No; I wrote the letter of 28th January in reply to one of his.

Upon the same matter?—Upon the same matter.

Cross-examined by Mr. ASQUITH—You received two or three letters from Sir William Gordon-Cumming immediately after the events in September?—I did.

Did you forward these immediately after you received them to the Prince of Wales?—I did.

You have never had them in your possession since?—I have not.

Between the middle of September and the end of December did you receive any letter of any kind from him?—Not to my recollection.

Were there any communications of any kind?—None whatever.

Evidence for Plaintiff.

General Owen Williams

In January you received a number of letters from him. Did you destroy each of these letters at the time you received them?—I did.

Had you any letters at the time Mr. Wontner made his communication to you?—No.

You have said you were an old friend of the plaintiff, and had always believed him to be an honourable man?—Yes.

I take it from you that this accusation came upon you as a shock of a very painful kind?—As a horrible shock.

And there was no predisposition in your mind to believe it?—None whatever.

You had seen nothing yourself at the table to excite any suspicion of the play, in your mind?—No.

Do you remember on the second night of play, when you were acting as croupier, the Prince of Wales making any remark to the plaintiff in the course of the play?—Yes.

What was it?—His Royal Highness told him to take his hands off the table or to move his hands further back, because he could not see what the stake was, and it did not look well.

That was on the second evening?—On the second evening.

Did you hear the plaintiff say yesterday that upon two occasions, I think, he had staked £25 on the opposite table and had won it?—I heard that statement.

Have you any recollection of any such incident?—None whatever. It might have been the case or it might not.

Was £25 a high stake, having regard to the character of the play going on?—A high stake.

I want to take you to the interview in Lord Coventry's room, when you first heard of this accusation. Will you tell us again who were present?—Besides Lord Coventry and myself, Mr. Lycett Green, Mr. Arthur Wilson, jun., Lord Edward Somerset, and Captain Arthur Somerset.

Were these all that were present?—These were all.

You told us that Mr. Lycett Green spoke on that occasion?—He did.

Did he tell you, or profess to tell you, not only what he had seen, but what others had seen?—Undoubtedly.

In their hearing?—In their hearing.

Did they in any way dissent from the account which he gave?—On the contrary.

What do you mean by "on the contrary"?—They assented to the account.

Now, did Mr. Lycett Green tell you in detail of any specific case which he and the others had witnessed, or did he speak merely in general terms?—He did not give any specific action as far as I can remember, but he left no doubt on

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the minds of Lord Coventry and myself that each and all of the persons he had described as having witnessed cheating had absolutely seen them.

Did Mr. Lycett Green or any of the others speak of Sir William Gordon-Cumming as having added money to his stake?—Yes, I am sure of that.

No doubt about it?—No doubt about it.

The précis has been read, in which mention is made of his having, when the cards were against him, frequently withdrawn a portion of the stake. Have you any recollection of any of them saying that?—That was the general idea I had of the information which was given.

But you cannot absolutely swear that any one gave that specific information to you?—No.

By the LORD CHIEF JUSTICE—That was the impression made upon your mind?—Yes.

Are you sure that what was stated to you was sufficiently clear and definite to make that a correct representation of the substance?—Yes.

You are absolutely clear as to the fact of the counters having been manipulated?—Yes.

Both ways?—That is my impression.

Cross-examination continued—I understand you to say you are clear that the counters were added to?—That I can say.

You will not say that counters were withdrawn?—It is my impression that that was the statement, but I will not swear to that.

As to watching, did Mr. Lycett Green tell you that he and young Mr. Wilson had in fact watched the play on the second night?—That is my impression.

Did Mr. Lycett Green tell you that there had been any previous agreement between them to watch?—Mr. Lycett Green told me that they had discussed this question.

Who had discussed it?—He and his brother-in-law, Mr. Stanley Wilson. He said the others had discussed the matter with him. My impression was that they had agreed to watch. There was no question that they did watch.

Then you went with Lord Coventry to see the Prince of Wales?—We did.

I do not ask you any more about that. After that you had an interview with Sir William Gordon-Cumming?—Yes.

Before dinner, in the smoking-room?—Yes.

Will you tell us, please, in your own way, exactly what happened at that interview with Sir William Gordon-Cumming? You and Lord Coventry were present with Sir William Gordon-Cumming and nobody else?—Nobody else. We—Lord Coventry and myself—said we had to perform the

Evidence for Plaintiff.

General Owen Williams

very difficult duty of informing Sir William Gordon-Cumming of the charge made against him by certain members of the party. Lord Coventry in plain language told Sir William Gordon-Cumming that he had been accused of cheating. He immediately replied indignantly denying the accusation, and demanding, or rather imploring, Lord Coventry and myself to ask His Royal Highness to accord him an interview, which we said we would. I think Lord Coventry told him exactly what the charge was that was brought against him—that of having increased his stake when the cards were in his favour. I think he appealed to us as men of experience to know whether we believed the statement of these boys as against himself, who was an old friend of ours.

How came the reference to boys? Did you tell him who the accusers were?—I think we told him who his accusers were.

Did you mention the names?—I cannot quite call to mind. We could not inform him of the accusation without telling him who the accusers were.

You do remember him using this expression about boys?—Yes.

Did he ask to be confronted with his accusers?—No, he did not.

But he asked to see the Prince of Wales?—Yes.

You told me he asked you whether you believed the charge?—Yes.

What answer did you make?—I replied that the evidence was so overwhelming that we could not do otherwise.

You had heard the statement of Mr. Lycett Green in the presence of the other witnesses?—Yes.

You knew them to be persons who had no feeling of any kind against Sir William Gordon-Cumming?—None whatever.

And who had no interest in making a false charge of this kind?—No interest whatever.

Did you believe it?—Did I believe it?

Yes?—I did.

That was before dinner. After dinner were you present when these witnesses were brought before the Prince of Wales?—I was.

Was Mr. Berkeley Levett there among the others?—He was.

Do you remember whether the Prince of Wales made any special appeal to Mr. Levett in the matter, or put a question to him?—No, I cannot call that to mind. His Royal Highness heard very attentively what the different witnesses said. I do not remember any particular remark of His Royal Highness.

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General Owen Williams

Do you remember anything about Mr. Levett being much distressed, he being a member of the same regiment?—Yes, undoubtedly.

That was at the interview with the Prince?—Yes.

Was it at this interview or afterwards that you explained to the witnesses the suggestion that an undertaking should be signed such as was signed afterwards?—I explained to the witnesses in the absence of the Prince of Wales.

In another room?—Yes; either immediately before or immediately after, I cannot say which.

When you made that suggestion, do you remember that Mr. Lycett Green strongly demurred to it?—Yes.

What reason did he give?—Mr. Lycett Green said, I think, "that the matter ought to be settled now, because, if it is not, Sir William Gordon-Cumming may, if it is hushed up, at some future time insult me or some member of my family or bring an action, and we should not have the same advantages that we have at present. Everything is fresh in our memories now, and we can all swear what has occurred; and I think it would be far better that the matter should be settled at once," the idea being that it should be made public.

Did he desire to be confronted with Sir William Gordon-Cumming there and then?—He did.

Did you afterwards tell that to Sir William Gordon-Cumming?—I did.

At a later stage of the same evening?—The same evening.

Did you argue with Mr. Lycett Green in favour of signing this document?—I asked him to agree to maintain silence with regard to the occurrence if Sir William Gordon-Cumming signed the document which was placed before him. I told Mr. Lycett Green that that document would be tantamount to an admission of guilt on the part of Sir William Gordon-Cumming, and that once signed would render him harmless for the future. He was content with the explanation, and promised to maintain silence.

I do not think I need ask you much about the interview between Sir William Gordon-Cumming and the Prince of Wales. I think you were present?—Yes.

Do you remember at that interview any reference being made to the Duke of Cambridge and his commanding officer?—I think there was a reference to this matter of the commanding officer, and I confess I was a little bit nettled at this remark, inasmuch as I felt we had gone a long way out of our way to deal leniently with him, and I said, "You are at perfect liberty to refer the matter to the Duke of Cambridge or your commanding officer, but I can assure

Evidence for Plaintiff.

General Owen Williams

you neither one nor the other will likely deal so leniently in the matter as Lord Coventry and myself."

Later in the evening you and Lord Coventry had another interview with Sir William Gordon-Cumming, Lord Coventry having in the meantime drawn up this paper, and you took the paper with you to the interview?—Yes.

I understand you to say that Sir William Gordon-Cumming said that his signature to the paper was tantamount to an admission of his guilt. You and Lord Coventry assented?—Yes; we did.

You said it would be such an acknowledgment?—Undoubtedly.

Did you say he could take some time to consider it?—He took some time to consider it.

You assert you told him it was the only way out of the impasse?—He asked our advice. We certainly advised him to sign it as the only way out of the impasse. We maintained that unless he signed it he would be requested to leave the house on the following morning, and proclaimed over every racecourse as a cheat.

After he signed it, do you remember anything being said about sixpenny whist, or regimental whist for small points?—He asked whether this would preclude him from playing for small points.

Was that before or after he had signed the document?—After. I think it was at that interview.

Was anything said about his continuing to stay in the house as a guest?—Yes.

Or about going to the races next day?—He proposed to remain, as it would look very odd if he went early in the morning. We were obliged to tell him that it was a necessity he should go at the earliest possible moment.

Do you conceive that in the advice which you gave, and in your whole dealing with this matter, that you were acting in his interest as his old friend?—I do.

With reference to what is called the précis, you said it was drawn up afterwards. Was it not drawn up till on or about 20th September?—I cannot say as to the date. It was on the following week—on, I think, the Saturday week.

The Saturday week would be about that date. Where was it drawn up?—At my house—Temple House, Great Marlow.

Did you, before drawing up that précis, communicate with any of the ladies or gentlemen who are defendants in this action?—I did not.

Did you ever at any time submit it to them for approval?—I did not.

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General Owen Williams

So far as you know, have they ever seen it from the time it was composed till this action?—I believe never.

I understand it was sent direct, first to Lord Coventry and by him to the Prince of Wales?—Yes.

Letters have been read to you which in the month of January passed between you and Sir William Gordon-Cumming, in which you address him in terms of familiarity—"My dear Bill," and signed "Yours, O. W." How did you come to do that after these events?—I received letters from him written in such a way that I felt he must be suffering great agony of mind, and I did not like to address him—a man who had been so many years an intimate friend—at this particular juncture in formal terms. Doubtless I might have done otherwise, but in writing private communications I did not see that it was necessary.

You have told us you had an interview with him in the presence of Lord Coventry on the 26th, at which the original *précis* was shown to him?—Yes.

Did he give you to understand at that time that he was contemplating legal proceedings?—He did not.

Upon that occasion of 26th January, did he ask you what to do?—I had just come up to London, and it was about that time that reports of the occurrences at Tranby Croft had become, so to speak, public property. I had come up to meet Lord Coventry with regard to this document, and to ascertain what was to be done, as the whole story had come out very suddenly, and Lord Coventry and myself went to inform the Prince of Wales what had taken place. Sir William Gordon-Cumming came to my house, and I told him it was our intention to inform the Prince of Wales that this story had become public. He said he came to me for advice, and I replied that we could not give him any advice, but that at five o'clock in the afternoon we might be in a position to give him some advice on the matter. At the present we could not say anything.

Did he come again at five o'clock?—Yes.

Tell us exactly what happened. Lord Coventry was present?—Yes. So far as I can remember we told him it was an accomplished fact that the unfortunate story had become very generally known—by what means we were ignorant, but that as a fact it was known. He said, "What am I to do?" We said, so far as I can remember, that the thing now having become so public we were not in a position to offer any advice whatever, and he then asked us whether there was any record of what had taken place, whereupon Lord Coventry, having the *précis* in his pocket, said, "Yes, we have a record, here it is," and it was given to Sir William to read, with the result that I have stated before.

Evidence for Plaintiff.

General Owen Williams

He acknowledged that it was a very fair account, but that we were rather hard upon him in the conclusion we arrived at.

Was anything said, either before or after the précis had been shown to him, about Colonel Stracey?—I will not be sure that he did not say anything. He may have said, "I must tell Colonel Stracey." I cannot quite be certain.

You wrote to him on 28th January the letter already read. Was that letter in reply to the letter received from him on the previous day?—It was.

You destroyed, as you have already told us, all the letters you received from him?—Yes.

Can you tell me what were the contents of the letter of the 27th, to which yours was a reply?—I can if you will let me see my letter of the 28th. [Shown letter.] I can now very well remember what was in his letter. He told me that the story was in everybody's mouth, and that there was nothing left for him but to place himself unreservedly in the hands of Colonel Stracey, the commandant of the regiment, and to leave the case with him. He asked me to do him the justice that he never acknowledged to Lord Coventry or myself the truth of the accusations that were brought against him. He said that—I forget the exact terms—unless the reports were stopped or contradicted there was nothing left for him but to vanish for ever or to cut his throat. He reproached both Lord Coventry and myself for having given him bad advice as to signing the document, and in reply I wrote as he requested, saying that he had not in any way acknowledged his guilt, and that he had signed the document under extreme pressure. That is my letter of 28th January.

Which was in reply to the letter, the tone and substance of which you have described?—Exactly.

Re-examined by the SOLICITOR-GENERAL—Had you ever stayed at Tranby Croft before?—Never.

Had you ever played at baccarat before the evening of 8th September with any of the defendants?—Not to my knowledge; I think not.

Had you played with His Royal Highness and with Sir William Gordon-Cumming?—I have played, but not very often.

I understand you do not recollect his going £25 on the other side?—No, I do not think so.

That would not be an unusual thing?—No.

On the second night, as on the first, the bank began at £100?—Whether £50 or £100 I do not remember; certainly it was never more than £100.

Did the bank not afterwards become unlimited?—Never.

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General Owen Williams

Had you known Mr. Arthur Stanley Wilson before that visit to Tranby Croft?—Very slightly.

Where had you met him?—In London somewhere—where I cannot tell.

Did you know Mr. Lycett Green?—Not at all.

Nor Mrs. Lycett Green?—No.

Mr. Berkeley Levett?—Yes.

Where? In London?—Yes.

I understand you to say that you told Sir William Gordon-Cumming that the evidence against him was so overwhelming that he could not possibly hope to stand against it?—That was my opinion of it.

At that time had you anything but the statement of Mr. Lycett Green and of Mr. Wilson and the tacit acquiescence of Mr. Berkeley Levett?—Nothing whatever.

That was the evidence on which you said you believed it?—Yes.

As to Sir William's statement about the Duke of Cambridge. Did he make that statement at the time you presented him with the written document to sign?—No; I think it was before that.

Can you at all fix the interview at which that took place?—I think it was at the interview at which His Royal Highness was present. That would be before the document was presented.

You were challenged as to the correctness of this record made at the time or a few days afterwards. I may take it that you did not invent anything?—Certainly I did not.

You taxed your memory as to what took place?—I did.

And put down as fully and accurately as you could what took place?—Yes, to the best of my recollection.

And the matter which you remembered and reported in the précis as having been stated by Mr. Lycett Green was the matter which, so far as it was put to him at all, was put on the occasion in question on 10th September to Sir William Gordon-Cumming?—The fact that he was accused of cheating?

I mean that statement of Mr. Lycett Green was the only material?—Yes.

Were you told upon 10th September, or any time on or before this précis was written, that Mr. Berkeley Levett had not seen Sir William Gordon-Cumming cheating in any way on the second night?—I cannot say whether it was the first or the second night. I cannot swear as to that, but I can swear to the fact that Mr. Berkeley Levett told me he had seen him cheat, and he himself acknowledged that that was a fact.

Evidence for Plaintiff.

General Owen Williams

Having reference to the précis, you say that all carefully watched the play. Did you remember being told that Mr. Berkeley Levett saw no cheating on the second night?—I do not remember.

The SOLICITOR-GENERAL—That, my lord, is the plaintiff's case.

The Court adjourned.

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Third Day—Wednesday, 3rd June, 1891.

Opening Speech for the Defendants.

Sir CHARLES RUSSELL—If your lordship pleases, gentlemen of the jury, I have now, with the assistance of my learned friends with whom I am associated in this case, to lay before you the position and defence of the defendants. I need not enlarge upon the melancholy and serious nature of the case which you have to decide. It cannot be gainsaid that to the plaintiff it is a matter of the first consequence. It certainly is not of equal consequence, but still it is of great consequence to the defendants, for although my learned friend the Solicitor-General, in the powerful appeal which he addressed to you in opening this case, invited them to say that possibly they were mistaken in what they saw and in what they said they saw, and although they would have been glad if, in point of truth and honour, they could have taken that course, they have found it impossible to do so; and, in no spirit of bitterness towards Sir William Gordon-Cumming, they feel bound to come before you to-day and state upon oath that which they, without that solemnity, have previously stated as far back as the month of September in last year.

You know who these defendants are. They are five in number. There is Mrs. Wilson, the wife of the master of Tranby Croft, and the hostess on the occasion in question; there is her son, Mr. Arthur Stanley Wilson; there are the daughter of the house—Mrs. Lycett Green, and her husband, Mr. Lycett Green; and there is, lastly, Lieutenant Berkeley Levett, an officer in the same regiment as that in which Sir William Gordon-Cumming is a colonel. Gentlemen, there are certain circumstances in this case to which in my experience there is no parallel. You have altogether nine persons mostly concerned in this melancholy story—the plaintiff himself, General Owen Williams, Lord Coventry, the Prince of Wales, and the five defendants. As to the first three I have mentioned, they were old and intimate and valued friends. As the Solicitor-General has truly put it, Sir William Gordon-Cumming had been known to the Prince of Wales for a considerable number of years, and for some years of that time had been on terms of equal friendship with him. As regards General Owen Williams, he was as intimate with Sir William Gordon-Cumming as friend could be intimate with friend, and as man could be intimate with



Sir Charles Russell, Q.C.

Opening Speech for Defendants.

Sir Charles Russell

man. They had travelled together in Africa and in India, and General Williams's house had been open to him as an intimate and valued friend. Lord Coventry was not so intimate with him, but still he had for a number of years known Sir William Gordon-Cumming. As regards the defendants, Mrs. Wilson had known Sir William Gordon-Cumming for some time. He had on previous occasions accepted the hospitality of her house, he had met her in what is called "society" in London, he knew her daughter, he knew, but slightly, her son; and as regards Mr. Lycett Green, he knew Mrs. Lycett Green as the daughter of Mrs. Wilson, and had on one occasion some two years before the occurrences in question accepted their hospitality in their home at York. As regards all these, what does the plaintiff say? He says what, indeed, it would be impossible for him to deny. He says of the first three whom I have named, "I believe them to be men of the highest honour, and men who had nothing but the most friendly feeling in my regard." As regards the five defendants, nothing could be more emphatic than the language in which he describes them. Speaking of them, he said that the worst of it was that he felt that they were acting perfectly conscientiously in the matter, and that they believed that they saw what they swore they saw. Gentlemen, I wish I could think it was possible, in the face of the instructions before me, and in the face of such an explanation as he has given, to think they were mistaken. If my instructions be reliable, I think it will be impossible for you to believe—their good faith and the honesty of intention being admitted—that these five persons, speaking not all of them on the same day, can have come to a mistaken conclusion as to the character of Sir William Gordon-Cumming's conduct on the nights of 8th and 9th September, 1890.

We start, therefore, with this—that, as regards these eight actors as I may call them in this matter, they are all admitted to be persons of honour and of honesty; as regards three of them they are admitted to be men not only intimate with, and having a kindly regard for, Sir William Gordon-Cumming, but men who—whether their action was mistaken or not—unquestionably acted honestly, and intended to act honestly and leniently in the interest of their friend; and as regards other three, it is honestly thought they believed they saw what they said they saw. And so the matter is narrowed down to the simple question whether you can arrive at the conclusion that they were mistaken in what they saw or in what they will say they saw. Gentlemen, this is not the only peculiarity in this case. There is one even more striking than this. These charges were undoubtedly made on 10th September, 1890. These charges when so made

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were communicated to the plaintiff, Sir William Gordon-Cumming. He, therefore, was made aware on 10th September, 1890, of the fact that these five defendants had charged him with dishonourable conduct at Tranby Croft, that dishonourable conduct being that he had cheated at the game of baccarat. I say nothing in this connection—although I shall have to say something about it presently—about the interviews between Sir William Gordon-Cumming, Lord Coventry, and General Williams, nor about the interview between Sir William Gordon-Cumming, the Prince of Wales, Lord Coventry, and General Williams, because none of these defendants were parties to those interviews; and if the advice, which they believe was in the direction of leniency to an old friend, given to Sir William Gordon-Cumming was not sound advice, the defendants are in nowise responsible for that. They made their charges—they stood by their charges. It was indicated that they desired to be confronted with Sir William Gordon-Cumming. Sir William Gordon-Cumming did not desire to be confronted with them, because, he says, he was not advised to see them. When the proposition is made to sign the promise of secrecy, the objection to sign that promise comes from one of the defendants, speaking for the rest. It comes from Mr. Lycett Green, who says: "I prefer to have the matter out now. I wish to be confronted with him. While the matter is clear in the recollection of us all let us have it out." He then goes on to make a suggestion, which shows considerable sense on his part. "How do we know," he said, as General Williams told us, "that he may not, if this thing is now hushed up, hereafter say that this accusation is not well-founded, and is not a true accusation, and after the lapse of a time turn round upon us and say we have accused him falsely?" It is only when the assurance is given by General Williams, which corresponds with the statement which General Williams himself made to Sir William Gordon-Cumming, that the signing of the paper in the terms on which the paper was drawn was a virtual admission of his guilt, that Mr. Lycett Green agrees with the document and signs it accordingly. The plaintiff accepts those terms—I do not stop to characterise them—humiliating and dishonouring terms—terms by which it is stipulated that, in consideration of these very defendants being silent as to those charges, he, on his part, enters into the degrading and humiliating undertaking that he will never as long as he lives play cards again! And yet, that having been arrived at on 10th September—known to Sir William Gordon-Cumming, on 10th September, that he is in the eyes of these five persons at least a dishonoured man—he makes no charge against them. He takes no steps

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to punish them for their foul slander, until, as I shall demonstrate to you in a few moments, he finds it impossible to slip out of the army, and then, when he finds himself in another impasse—then, and not until then, does he turn round upon these defendants, who had agreed with him by this paper, and who kept their agreement, to maintain silence as to the charges against him. That the plaintiff knew that he was in the eyes of these defendants a dishonoured man goes without saying. He had been accused by them of cheating, and he had—to use his own expression—virtually admitted his guilt.

But how about the three other principal actors in this matter? What was his conduct in relation to them? Can you doubt—does any one of you doubt—that he knew that these three gentlemen each individually believed him guilty? He knew that the signing of that paper was what he admitted it to be in the box—a dishonouring act. He says he did it under advice; I shall come to that later. The point I am now upon is this—that he knew when he signed that paper that he had forfeited the respect of these three men, whose opinion of his honour he valued. He knew that in their eyes he was no longer within the category of honourable men. He tells us, indeed, that when he signed it he had not fully realised that—or rather he suggests it; but in his own statement in writing, communicated within a few hours of this occurrence, he admits that he found himself in the position of having in their eyes lost character and position as an honourable man.

Now I ask you—is it conceivable that an innocent man would under such circumstances bear the odious burden placed upon him? Inconceivable I think it was that he should bear that taint of dishonour upon the suggestion of the five defendants, but still more difficult is it to conceive in the case of an innocent man that when it became known to him (as it was known to him when he signed that paper, and as he admits within a few hours after signing that paper), that in the eyes of these respected and intimate friends he had fallen from the estate of an honourable man, he would not under such circumstances straightaway have taken steps to vindicate himself. He says that when he signed the paper he must have lost his head. You have seen him in the box. He is a man of the world, who has seen much of the world. He had not lost his head when, having left Tranby Croft, he was writing cool and considered letters to General Owen Williams; and I want to know what is the explanation of, or the suggestion to be made from, the conduct of this gentleman—upon the hypothesis that he deserves that name—from the position

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which he continued to occupy, a position which he was content to hold, a position of dishonour in the eyes of his most intimate friends, but a position which he was content to fill until, to use his own expression, the matter had become bruited abroad, and had become public property, and he was compelled to take some public steps, because if he did not the committees of the clubs to which he belongs would have acted.

One more general observation. What has been the attitude of these defendants? I, as their advocate, naturally speak, perhaps, with more or less warmth in the matter. If I mistake not, their language will be, not the language of bitterness, but of deep regret. They will one and all tell you that, so far as they were concerned, their mouths were sealed, and remained sealed, until this action had begun; but that when, in January, an attempt was made, by interview with young Mr. Levett, Lord Coventry, and General Williams, to get some approach to a modification or withdrawal of those charges, they said they could not with truth and in honour but affirm what they had said on 10th September, much as they would regret to have to repeat it. When on 27th January in the present year solicitors' letters arrived from Sir William Gordon-Cumming's solicitors (Messrs. Wontner), they answered through the same instrument by their solicitors that the charges of cheating which they had made they were prepared on oath to substantiate. They were interrogated, and those interrogatories are in, as to what they said, and they affirmed what they had said to be true. In this Court they submit themselves to examination and to cross-examination, and they have declined—they have felt themselves compelled to decline—to pass over that bridge which my learned friend has so gracefully pointed out to pass over, by saying what would not be true—that they believe they might possibly have been mistaken, because they believe implicitly in the story which they told in September, and which they will tell you again to-day.

Lastly, gentlemen, I have to call your attention to the précis. Let me remind you of the dates. Accusation made on 10th September, the end of September passes, the whole of October passes, the whole of November passes, and in December there is the anonymous letter from Paris. Still no action taken. In January the matter gets talked about. By 25th January it had got so bruited abroad that he felt compelled to take steps in the matter, because, if he did not, the clubs to which he belonged would. What are the steps he takes? Is it even then that he desires to confront his accusers? Is it even then that he challenges

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them in a hostile action as to the truth of the charges they had made? No. Pray follow the dates. On Sunday, 25th January, he has the interview with young Levett—Lieutenant Levett. At that interview he begged Levett to do what he could to assist him. He appealed to Levett whether he might not have been mistaken—whether he would not say that he was mistaken, whereupon young Levett, in distress, said, “I would do anything, Sir William, for your sake and for the sake of the regiment.” “Surely,” said Sir William Gordon-Cumming, “you do not believe it?” “I must believe,” said this young man firmly, for it was a trying position for him—“I must believe what I see with my own eyes.” And then after that statement he leaves the presence of Sir William Gordon-Cumming charged with the mission, as Sir William Gordon-Cumming admits, to go to Mrs. Wilson’s, and to see what could be done, or if anything could be done. He says that he did not contemplate anything at that time but a retraction of the charges. Gentlemen, that cannot be said. He never could have expected that these ladies and gentlemen, having in so serious a manner made these charges, would come and say, “We made charges which we believe to be utterly groundless.” His object was to see whether they could not bring themselves to the point of saying that perhaps they were mistaken—that perhaps they had judged wrongly as to the true character of what they saw. Young Mr. Levett, true to his mission, sees Mrs. Wilson, who telegraphs for Mr. Arthur Wilson to come up, and on the 26th young Mr. Levett tells Sir William Gordon-Cumming that nothing could be done. He writes to him on the night of the 26th.

But what has Sir William Gordon-Cumming been doing in the meanwhile? He has seen General Williams, he has seen Lord Coventry, he has asked to see the précis which had been prepared by General Williams in reference to these matters. He has asked Lord Coventry for that précis, and Lord Coventry has applied to the Prince of Wales’s equerry for the document, as he thought it only right that Sir William Gordon-Cumming should see it. At that interview Lord Coventry said to him, “Shall I send this to Colonel Stracey?” “No”; Sir William Gordon-Cumming did not desire that. He sees General Williams, and he does more—he writes to General Williams. No one has suggested that General Williams is not a man of truth and honour; no one who saw him in the box could doubt that he is. He tells you that he received a letter. I would describe the letter as a pitiful letter, an appealing letter, a humiliating letter, in which Sir William Gordon-Cumming explains to him the position in which he is after communicating with

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Colonel Stracey, tells him that unless something is done there is nothing for him but to cut his throat or vanish, and asks him and begs him to write, so that he can show it to Colonel Stracey, that when he signed the paper he at the same time—as was the case—asseverated that he was innocent of these charges. And so, acting solely, as he believed, in the interest of his friend, General Williams writes the letter of 28th January.

Yes; but what was going on with Colonel Stracey in the meanwhile? This is what demonstrates the proposition which I am now engaged in establishing, namely, that this action was brought by Sir William Gordon-Cumming because he was compelled to bring it, and because he could not slip out of the army with his half-pay without it. On the 25th—Sunday—he sees Colonel Stracey. It does not appear whether at that first interview on Sunday, the 25th, he had told Colonel Stracey that he had signed the document in question; but it is clear that, by the second interview, which was on Monday, the 26th—whether from him or from somebody else—Colonel Stracey had become aware of the fact that he had signed that document, and, as Sir William Gordon-Cumming has told us, Colonel Stracey conveyed to him that the signing of that document was not a matter that could be pardoned or overlooked. That is his information on the 26th. He then knows that what he had contemplated doing—getting, if possible, a softened statement of what the accusation was against him to put before Colonel Stracey—cannot be carried out. He then knows that Colonel Stracey, rightly or wrongly, regards the signing of that document as a thing that cannot be overlooked, and then, when he is told on that same 26th by a letter from Lieutenant Levett, his young brother officer, that he has seen young Wilson, and that he has seen Mrs. Wilson, and that nothing can be done—it is then, upon the next day, by letter of the 27th, that notice is given of hostile proceedings against these defendants.

I submit, gentlemen, that I have established by these observations that the conduct of Sir William Gordon-Cumming was at no stage of this distressing story the conduct of an innocent and an honourable man, that no innocent and honourable man would have lain under the condemnation of his intimate friends and of these five accusers from the month of September; that no innocent and honourable man would have signed that humiliating and dishonouring paper. I have shown that it was only when he found himself in another impasse, when he found he could not leave the army without some much more close scrutiny than he was contemplating, he brings his action

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against these defendants; saying no word of it to Lord Coventry, and saying no word of it to Lieutenant Levett. I do not make that as a matter of accusation against him, for I accept his statement that when he saw General Williams, Lord Coventry, and Lieutenant Levett, he had no thought of bringing an action; but that makes it all the clearer, and demonstrates the point I am insisting on—that he brought the action only when he failed to secure his retirement from the army. But he said something afterwards to Lord Coventry, and he spoke also to Mr. Levett, who had been acting as his friend in trying to soften matters for him. Mr. Levett said to him, “I have got a nice thing from your solicitors this morning. They are going to bring an action.” “Yes,” said Sir William Gordon-Cumming, “but, of course, that need not go on.” All that I have said shows that this was not an accusation lightly or precipitately made, and was not made until it was thought to be incumbent upon those to whose knowledge the facts came that some action should be taken upon them; that when they arrived at the conclusion that it was inevitable that some action should be taken upon them, they availed themselves of the advice, apparently the best within their reach, as to the steps that ought to be taken.

The party at Tranby Croft was, of course, a friendly party, and after dinner—a late dinner—upon 8th September, and after some friendly conversation and some music, the party sat down to a game of baccarat. Certainly one of the results of this case has been—one of the desired and satisfactory results of this case has been—to dissipate the absurd and preposterous and exaggerated notions which were spread abroad as to the character of this party and this game. As I have already said, it is a game of which I personally know nothing, for I have never played it; but it seems to me that, if kept within reasonable bounds, it is not a bad kind of round game. Many people can play at it, and at a country party at a country house that is a very desirable thing, and I can see no harm in having a game, within moderate limits, in which you may interest a considerable number of people. They sat down to this game at about eleven o'clock, and, by the agreement of all parties, they played for from an hour to an hour and a half on each of these two nights. On the first of these occasions they had three tables roughly put together. The family of the Wilsons had frequently played the game before in their own house, but on one occasion they played rather high, and Mr. Wilson did not like it, and in consequence it had been stopped for some time. However, Mr. Wilson, jun., and Mr. Lycett Green, Mrs. Lycett Green, and

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Mrs. Wilson, all knew the game and had frequently played it. So, too, had Lieutenant Levett and the other persons. Indeed, it was in 1888, I think, that on the occasion when Sir William Gordon-Cumming dined at York, at the home of Mr. and Mrs. Lycett Green, he taught her the game of baccarat at a friendly party, consisting of the host and hostess, Sir William Gordon-Cumming, and one or two other friends. They sat down on the 8th to play the game of baccarat, the Prince of Wales being banker. The position of the players was this: First of all the Prince of Wales sat in the middle of the table as banker, the table at which he was seated being rather higher than the rest; next to him, on his left hand, sat Mrs. Arthur Wilson; next to her sat one of the guests, or a vacant chair was there—no one can very distinctly remember whether any one sat in that chair on the Monday; next came—and here come the important persons—Mr. Berkeley Levett, and he was seated at the corner of the table on the same side as the Prince, and round the corner, next to Mr. Levett, was Mr. Arthur Stanley Wilson. Next to him was Sir William Gordon-Cumming, and then, as well as can be remembered, one of the Somerset family—either Lord Edward Somerset or his cousin—pretty close to him. The method of playing the game has already been lucidly explained by the Solicitor-General, who explained it as though he had been in the habit of playing rather than as if he were a novice. But I will endeavour to supplement his statement, and go through the routine again. The dealer—in other words, the banker—deals a card to the right face downward, and a card to the left face downward, and a card to himself face downward, and repeats the process in the same order. To each side two cards are given, and there are two cards opposite the dealer—six cards there must be always dealt. The banker then looks at his hand, and if he has not a natural, an eight or a nine he gives cards to his neighbours who desire one—only one to each; and these cards are exposed as they are played; then the banker decides whether he will take a card or no. It is a game in which the dealer is thoroughly engaged in dealing with the cards, and would not very closely observe what was going on, unless somebody drew his attention to something. Ordinarily the cards of the two tableaux are taken by the persons sitting next to the dealer, and so go round the table and continue to be so taken. Then if the banker wins as against them the cards are passed to the next player, and so they go round. Whatever money is to be staked must be staked before the deal begins, and no one is allowed to add to or to subtract

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from the stake after the dealer has dealt. After the deal of the two cards they are taken up by the persons representing the tableaux respectively, and Sir William frequently took up his cards so that the people in his tableau could not see them. If there are any persons playing who are not well versed in the game, it is customary for them to be advised by those interested in that particular tableau. There are three things, then, which a dishonest man might do. He might see that a card in his tableau was a favourable card, as, for instance, a six or a seven, which is, of course, very close to an eight or a nine, which is the best—and it would be dishonest, seeing that favourable card, to endeavour to manipulate his stake. If, again, he sees that a natural is on his own side, it would be dishonest to increase his stake. Not having a “natural,” if the dealer declared that he had a four or a three, it would be dishonest to increase the stake when the dealer had declared what he had. Young Mr. Wilson found himself playing with several gentlemen with whom he had not played before, and some whom he knew only slightly; and the first thing he did—and I think you will agree a very natural thing to do was this—he looked round the table to see what kind of game was being played. He then noticed in front of Sir William, next to whom he was sitting, in the first deal in the first coup, one counter representing £5. Sir William won, and, to his surprise, he saw then in front of him three counters of £5 each. It was astounding, but it did not enter his mind that that was an act of cheating. It would not naturally suggest itself to the mind of anybody, but it startled him, because it struck him as very odd that, seeing his neighbour at first with one piece, when he came to be paid claiming to be paid in respect of three. He not unnaturally continued to watch closely, and he would tell the jury that he observed in the course of the evening, and at intervals, a similar thing repeated. After this had occurred twice or thrice, he turned to young Berkeley Levett, who was sitting beside him, and told him what he had seen. To that Berkeley Levett replied, “You are mad!” Then he said, “Look for yourself.” The young officer did look, and would tell the jury what he saw. After the game was over the two went up to young Wilson’s bedroom, and I do not know whether my learned friend will allow me to describe what then happened. I think I am entitled to give it, because, of course, the conduct of this young man is impugned. Young Levett threw himself down on the bed.

The SOLICITOR-GENERAL—I do not understand at this

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moment that this is evidence. Of course, it may become so.

Sir CHARLES RUSSELL—Very well. I anticipated the objection; that it why I called attention to it. At any rate, these young men talked together for some time, and Mr. Arthur Wilson said, "Well, at all events, we will get rid of this. There shall be no chance of this to-morrow night, as we will have properly-marked tables." Mr. Wilson afterwards went to his mother's dressing-room and told her. The next morning he went out for a walk with his brother-in-law, Mr. Lycett Green. Mr. Lycett Green is the son of Sir Edward Green, who is the member of Parliament for the Wakefield Division of Yorkshire, and is, although a young man, Mr. Arthur Stanley Wilson's senior. He sought his brother-in-law's advice, and it was arranged that the tables should be made so as to render impracticable any kind of cheating by the addition of stakes. When the party assembled on the following night the Prince was banker and General Owen Williams was croupier, and the position of the players was this: Mrs. Arthur Wilson sat upon the left of the Prince of Wales, and Mr. Berkeley Levett sat two off the Prince on his right; then opposite to the Prince, on the other side of the table, was General Owen Williams. On the left hand was Lady Coventry, next to her was Sir William Gordon-Cumming, and next to him, at the corner and on the same side, was Mrs. Lycett Green. Round the corner of the table was Mr. Arthur S. Wilson, and next to him was Mr. Lycett Green. The ladies took their places at the table first, and when Mrs. Lycett Green sat down she left a chair between herself and Lady Coventry, and presently when Sir William Gordon-Cumming came in he took that chair. Mr. Lycett Green, of course, giving the preference to visitors, found a place near Lady Brougham at the corner of the table, and sat next to Mr. Arthur Stanley Wilson. I wish to make an observation here.

You will recollect that in the *précis* it is stated that on the second night it was so arranged that Sir William Gordon-Cumming should be carefully watched, and precautions were taken. I wish to tell you exactly what occurred. The precaution was taken not with reference to Sir William Gordon-Cumming, but because it had been suggested that they ought to get a different table, which would prevent any mistakes occurring. That there was any agreement between these persons to watch the second night was not correct; but nevertheless, they did watch, and they stated to General Williams that they did watch, but there was no concert between them. On the contrary, you will hear from Lieutenant Levett that, so far from watching, he was on the opposite side of the

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table, and deliberately abstained even from looking. But it was inevitable that Mr. Lycett Green, who had heard this story, and Mr. Arthur Stanley Wilson, who had seen acts of cheating the night before, with those to whom the thing was communicated, should observe, if they were in the position to observe. What took place on the 9th was similar to that which took place on the 8th. I am not sure whether it was on the 8th or 9th, but on one occasion, if not on two, with the end of a pencil a counter was pushed beyond the line.* I think it was on the second occasion, and it was also on the night when the side on which Sir William Gordon-Cumming was sitting was on the right of the table, and on the right of the Prince, that he (Sir William), with his counters in his hands, and holding his hands in the way which you will have described to you—with his hands over the line, and the card upon his tableau having lost—was observed to withdraw his hands so (illustrating the movement). It may be that the statement of these facts did not unnaturally convey to General Owen Williams that the allegation was that Sir William Gordon-Cumming had cheated in two ways—by increasing the stake when the card was declared favourable, and by reducing it when the card was declared unfavourable. But, as a matter of fact, the defendants have never said that he cheated by withdrawing from the stake, and the only suggestion even in that direction is the suggestion I have made to you that upon one occasion with counters in his hands, and with his hands over the position in which his stake was, the card on his tableau being unfavourable, he proceeded to withdraw; but, upon the other occasion, the card proving favourable, he was seen openly to leave as his increased stake counters which had not been there, but in his hand. It is, I understand, a form of cheating known as *la poussette*.

On this occasion an incident occurred of a very striking and important character. I have pointed out that upon 8th September Mr. Arthur Stanley Wilson not only satisfied himself by observation that Sir William Gordon-Cumming was cheating, but he then and there called the attention of the comrade and brother officer of the plaintiff to the fact that he had observed him cheating; and upon that young man expressing his surprise he said, "Watch for yourself"; and young Levett did watch. Upon the second occasion Mr. Lycett Green saw acts of cheating. He with difficulty repressed himself. His first impulse was then and there to denounce the cheat. You will recollect in whose presence he was. He left the room after he had seen two distinct acts

* There was no line on the first night.

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of this character. His first intention was to write a note to the master of the house, and then, for other reasons, he thought it more prudent to write a note to Mrs. Arthur Wilson. He goes out of the room with his observation, his detection of these acts of cheating registered in his mind; he writes a note to Mrs. Arthur Wilson informing her of what he had seen, and sends in the note by a servant. He waits outside for some moments in doubt what he ought to do; and, finally, he thinks things might reach a climax, and that he ought to be in the room. He walks back into the room and does not sit down, taking no further part in the play until after a few minutes, and then he resumes his seat at the table. Mrs. Arthur Wilson will tell you that, seated at the opposite side of the table and busily attending to her guests, this distressing story had absolutely passed from her mind, and she had not even paid the slightest attention to what Sir William Gordon-Cumming was doing; but, on getting this note from Mr. Lycett Green, whether she would or whether she would not, she then observed Sir William Gordon-Cumming's play, and she herself observed acts of cheating on his part. Mrs. Lycett Green, who was seated next to Sir William Gordon-Cumming, who was between Lady Coventry and herself, will tell you that she, too, observed deliberate acts of cheating, of the character I have described. That was the transaction of the 9th, and on the next morning it was certainly incumbent upon these young men—for young men they were—to take the counsel of men older than themselves. In the train on 10th September, they took the opportunity of being alone with Lord Edward Somerset and his cousin to ask advice as to what they should do. Their advice very naturally was: "Take the advice of persons older than yourselves." Mr. Lycett Green met his father, Sir Edward Green, at Doncaster, on Leger Day, and took his advice, and upon their return from Doncaster races they discussed the matter together. Mr. Levett was most anxious to be left out, if that were possible, and desired, in the first instance, that he should not go to General Williams and Lord Coventry, and he did not go then; but he authorised the statement as to what he had seen. The ladies also authorised the statement of what they had seen. Accordingly before dinner on 10th September they went to Lord Coventry, to whom they told the story, who desired that he might have the assistance of General Owen Williams. These gentlemen came to the conclusion that the Prince of Wales ought to be informed of the occurrence. I am not discussing now, nor am I concerned to discuss, the prudence, the wisdom of the course which these gentlemen took. I am but narrating facts, and I am asking you to consider those facts, and to ask yourselves

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whether the conduct of the plaintiff—in view of those facts—was or was not the conduct of an innocent man.

It has been suggested by my learned friend, and not unnaturally, that Lord Coventry and General Owen Williams seemed very early and speedily to have arrived at a conclusion as to the guilt of Sir William Gordon-Cumming. Perhaps it was not unnatural. It was difficult to believe—you will find it difficult to believe—that these persons, having no ill-feeling to Sir William Gordon-Cumming, and with every motive to prevent a scandal at Tranby Croft—one of them actuated by a strong motive of comradeship and of service in the same regiment—in making an accusation of a distasteful character were mistaken. It is not unnatural that they found it impossible to believe that these five persons, all stating that they independently saw acts of cheating, and as to whom no motive of unfriendliness can be suggested—they found it difficult to believe, I say, that all these five persons could be mistaken. But, gentlemen, could any conduct have been pursued more calculated to build up, sustain, and support the statements of these five unprejudiced persons than the conduct of Sir William Gordon-Cumming? He, a man of honour—accepted in the world as such—finds himself confronted with the statement that five persons have accused him of the debasing act of cheating—of filching from the pockets of his friends—at a friendly game of cards. What was his conduct? True, he says, and says emphatically, “I am innocent.” I agree an innocent man would say that; but a guilty man would say that too. But an innocent man would do more. Why, what are the facts? Has ever such a story been told in a Court of justice by a man of the world, of experience, and of honour? The story here told by Sir William Gordon-Cumming is, according to his account, that when their statement was made to him that he had been accused of cheating he does not seem to know whether he even asked the names of his accusers. He does not seem to know what were the particular acts of cheating of which he was accused. I ask you what would have been the impulse of an honourable man, conscious of innocence? Would it not have been to say, “Who are my accusers? What do they say that I have done? How do they say I did it? When do they say I did it? Bring them face to face with me. There is an awful mistake which I can explain!” But no! He contents himself with the asseveration that he is not guilty, and that they ought not to accept the statement of a parcel of boys! And then he absolutely—for this takes place before dinner—goes to the dinner table, and leaves it and has an

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interview with the Prince of Wales and a further interview with General Owen Williams and Lord Coventry; and although the people are in the house, within immediate call, who can be confronted by him, he never insists upon what I say would be the initial step of a man able with honesty and with indignation to repel an odious, an awful, an untrustworthy, and an untruthful calumny. What does he do? He is told that this charge is made, and he desires to see the Prince of Wales. With commendable prudence the Prince says: "Yes, I will see him, provided that Lord Coventry and General Owen Williams are present." In that interview he is told that the evidence against him is overwhelming. He is then asked to retire, and then General Owen Williams and Lord Coventry, having suggested to the Prince of Wales that a possible way out of the difficulty would be having the undertaking that Sir William should never play cards again, coupled with the promise of secrecy, come back to him and present that to him, saying: "This is the only alternative of saving a scandal." What scandal? It is suggested—not by my learned friend—it is faintly suggested by Sir William Gordon-Cumming that the scandal affects the Prince of Wales.

THE SOLICITOR-GENERAL—It was suggested by me in my opening.

SIR CHARLES RUSSELL—What was the scandal against the Prince of Wales, playing an innocent game of baccarat and having the misfortune of having a man accused of cheating as one of the players? Would a man of honour—and I do not care if there were fifty princes in the case; and I say it with all deference—barter away his honour, or suffer it to be for one instant clouded by any consideration such as that? Is it to be said that this officer was so little minded of what he owed to the service to which he belonged, and to his own character and repute, that he was willing to do this debasing and degrading thing; to make this virtual confession of his guilt, because, forsooth, it was to avoid a scandal—the only scandal, so far as the Prince of Wales was concerned, being that he was engaged in an innocent and friendly game of baccarat, and, unfortunately, in the company of a man accused of cheating. No; that will not do. I felt bound to press Sir William Gordon-Cumming, and finally it came out that the scandal was that if he did not give this undertaking he would be denounced as a cheat. That was the scandal, and it was to avoid that scandal that he decided to sign this paper. The plaintiff said he was advised to sign it. Yes, he was. He was advised by two men whom he regarded as his friends, whom he now regards as men who then desired to act in his interests as leniently towards him as they could act—to

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one he wrote, after the excitement of the incident had passed away, from Scotland to this effect: "Thanks for your letter of the 13th. You can well understand how deeply I feel the great kindness and friendship you have shown me in the matter. I have taken your advice about Mar." That was advice which had been communicated to him that he should not put himself in the way of meeting the Prince. He had been previously told by General Owen Williams that he was not to go to Mar, and had received a letter on 11th September, two days before. He receives the cheque, and he said he would not use it, pays it into his banker, and does not think it necessary to acknowledge it. Pressed by these considerations I have endeavoured to put before you, he finally tells us that he "lost his head" when he signed this paper. Gentlemen, did he lose his head?

You have seen him in the box—a cool, clever, intelligent witness. Was there any indication in his own account of the interview that he had lost his head? Was his conduct not cool and impertinent, as it was suggested to be—with this charge hanging over him and with the clearly expressed view of his friends and counsellors—when he, after dinner, went to the Prince and asked him to write his name in the birthday-book of one of the young ladies in the house? Or, at a later moment, when General Owen Williams and Lord Coventry came with that paper, and after reading it and scanning it, as an intelligent man he pointed out to them that the signing of that paper would be a virtual admission of his guilt, and they told him it would be—was that the conduct of a man who had lost his head? And after he signs it he says, "Why, this, as it stands, would even prevent me playing regimental whist." Lord Coventry, as the senior, says: "I am not a military man. General Williams, what do you say?" "Yes," says General Williams, "it would cover even that." Was it the conduct of a man who had lost his head that after he had signed it and after this conversation he coolly said he proposed to stop and go to the races with the family; but was told by General Williams that he must leave as early as possible. Were these the acts of a man who had lost his head? No, gentlemen, they are the acts and conduct of a man who was content to be steeped in dishonour in the estimation of men for whose respect he had the highest regard; he was content to sign this degrading paper; to enter into a compact—for compact it was—with his five accusers, so long as secrecy could be preserved. It did not seem to matter to him that in the respect of these five persons he had fallen—that in their eyes he was a cheat. It did not seem to him to be a matter of the gravest concern

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Sir Charles Russell

that the Prince, whom he had professed to honour, was erased from the category of his friends; that General Owen Williams, a friend of twenty odd years, and Lord Coventry, a friend of some years, must for the future regard him as a man stained with dishonour. All these things he seems to have been willing to waive so long as the outside world knew nothing of it. But when he finds he cannot slip out of the army with his half-pay without an inquiry, then, and then only, does he resort to this action—an action for damages, forsooth, against five people who made the statement last September, and whose statement was tacitly assented to by him, but which he now denies, because no other remedy is open to him. These are the facts of the case as far as it is now my duty to open them. You will hear the evidence which is to be given, and, however painful it may be, it will be your duty, if you believe the evidence to be that of conscientious persons, to give effect to it in your verdict.

Evidence for the Defendants.

ARTHUR STANLEY WILSON, examined by Mr. ASQUITH—I am the son of Mrs. Arthur Wilson of Tranby Croft, and am twenty-two years of age. I remember the party at Tranby Croft last September, of which the plaintiff was a member. I had known the plaintiff before: he stayed at our house, I think, a few years before. I met him then as a guest in my father's house. On the evening of Monday, 8th September, the party sat down to play baccarat. I had played baccarat a good many times before, both at home and in London sometimes. I am well acquainted with the mode of play and the rules of the game.

Now, first of all, I must ask you to tell us the position of the different parties on that first evening. The Prince of Wales acted as banker?—Yes. There was no croupier, as far as I can remember. As to the position of the players, there were Sir William Gordon-Cumming, myself, Mr. Berkeley Levett, my mother, and the Prince of Wales, and also Lord Edward Somerset.

May I take it that upon the left of the Prince was your mother, Mrs. Arthur Wilson, and then came Mr. Levett?—Yes.

There was some person unidentified between Mrs. Wilson and Mr. Levett, or an empty chair, Mr. Levett sat at the corner; immediately round the corner, next to Mr. Levett, was yourself; and upon your left, sitting next to you, the

Evidence for Defendants.

Arthur Stanley Wilson

plaintiff; and upon his left, on the other side, Lord Edward Somerset?—Yes.

Now, all the ladies and gentlemen whose name you have mentioned belonged to what is called the left tableau?—Yes.

We have heard that the table at which you played that night was made up of three tables of unequal size. May I take it the higher table was in the middle and the two lower tables at each end?—Yes.

Now, one or two questions about the playing of the game itself. Does the staking take place by each player before the dealer—the banker—begins to deal the cards?—Yes.

After the players have staked does the banker deal three cards—one to the right, one to the left, and one to himself?—Yes.

These cards are dealt face downwards?—Yes.

Does the banker then repeat that?—Yes.

The banker then deals one to the right, one to the left, one to himself, and again face downwards?—

The LORD CHIEF JUSTICE—After the first cards are dealt, the new cards are dealt with face upwards?

Mr. ASQUITH—No, my lord, not even then; for the six cards are dealt before any one looks at the cards. (*To Witness*)—Does the banker look at his cards?—Yes.

If he has what is called “a natural,” that is, either an eight or a nine, he has won? He exposes his cards and does not deal any more?—Yes.

Do the players at that stage look also at their cards?—Yes, certainly, to see if they have got naturals.

And if either the right or left tableau has a natural the players in that tableau do not pay anything?—If it is a similar natural to the banker’s.

If the dealer has eight and they have nine they would not pay?—No.

If the dealer has nine and they have eight they would pay?—Yes.

If the dealer looks at his cards and he has not a natural, does he say, “I give cards”?—Yes.

The dealer having said, “I give cards,” then offers a card to the right tableau first?—Yes, to the right.

Face upwards?—Yes.

If a card is accepted it is laid down on the table face upwards?—Yes.

Does he then offer a card in the same way to the left tableau?—Yes.

Which is dealt in the same way?—Yes.

The banker may then, if he likes, take a third card himself?—Yes; certainly.

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When that state of things has been brought about, does the banker pay the side which is nearer eight or nine than himself, and receive from the side in respect to which he is nearer to eight or nine than they?—Yes; certainly.

Before that he declares what his point is?—Yes.

And they show theirs?—Yes.

And he pays or receives accordingly. Now, on this evening, you have told us you were sitting next to the plaintiff?—Yes.

Did you observe where the plaintiff placed his stake?—Yes, I did, most certainly. He placed it on the top of a sheet of white notepaper which he had in front of him.

Did he do that once or invariably when you saw him?—I think invariably, but he may have done it once or twice in another way.

But that was his usual practice?—Certainly.

There was no line on the table at that time?—No.

You have told us that the middle table was higher than the side ones were. Where did you and Lieutenant Levett place your stakes?—We both of us placed ours on the higher table. We stretched across and put it on the higher table.

Before the Prince dealt the cards did you look round the table?—Yes, to see how the people were playing—whether they were playing high or not.

Did you notice what stake the plaintiff had put in front of him?—Yes; when I looked he had one £5 counter on. This was before the deal.

On what was it placed?—On the sheet of notepaper.

What was the colour of the counter?—Red. I looked at the same time all round to see what other stakes were being played.

The cards were then dealt. Which side won?—Our side won.

The left tableau?—Yes.

Did you notice what sum was paid to the plaintiff?—He was paid £15: three red counters.

You say there were three red counters on the sheet of paper?—Yes.

When the dealer came to pay Sir William Gordon-Cumming at the end of the round how many counters had he in front of him?—He had three.

Where were the counters?—On the top of the sheet of notepaper.

That was the first coup of the game?—Yes.

Was it a counter of that colour and size (produced)?—Yes.

What, if anything, did you notice next with reference

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to the plaintiff's stake?—The next time I noticed anything Lord Edward Somerset was taking up the cards.

He was a member of your tableau?—He was, and was seated immediately on the left of the plaintiff.

Yes, go on?—As I looked across at Lord Edward Somerset about to take up the cards I noticed Sir William was sitting with his hands in front of him, like this [imitating], and there was one £5 counter on the top of the sheet of notepaper. He was sitting with his hand over the £5 counter in that position, leaning forward. [Witness clasped his hands loosely, and by request turned to the jury to show them the attitude.]

Well?—Then I turned round. Lord Edward Somerset picked up the cards, and he (the plaintiff) leaned over like this to see what cards he had got. As I looked at the same time I saw something red in the palms of his hands, and this I immediately knew could be nothing less than one of the £5 counters. He looked, as I said, over Lord Edward Somerset's hand to see what card he had. Lord Edward had a natural—a nine and a court card. Immediately he saw this he opened his hands like that [demonstrating], and let drop three more £5 counters, and he was paid £20 on the coup.

What was the next thing you noticed about his play?—I saw him sitting with his hands in much the same position. I cannot say for certain who was then taking up the cards. Whoever it was drew a very bad card, and I fancy we were baccarat—that is nothing. Immediately he saw this he drew back his hands to his own pile, which was in front of him, to the bottom of the sheet of notepaper, and let fall counters—I could not say how many—into his own pile.

By the LORD CHIEF JUSTICE—Before that he had got £5 on?—Yes, he had £5 on; he did not touch that.

[Witness repeated his illustration of the alleged actions of the plaintiff.]

Examination continued—You were sitting next to Mr. Berkeley Levett, and you knew him to be a brother-officer of the plaintiff?—Yes.

Did you say anything to Mr. Berkeley Levett?—Yes; directly I saw this I turned round to him and whispered, "My God, Berkeley, this is too hot!"

Explain what you meant by this?—The withdrawing the hand. The incident which I have just described. Mr. Levett said, "What on earth do you mean?" I said to him, "This man next to me is cheating." He said, "My dear chap, you must be mistaken; you must have made some mistake. It is absolutely impossible." I said to him,

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"Well, just look for yourself." He looked; and a few coups afterwards he turned to me and said, "It is too hot."

And you, in the meantime—had you seen anything yourself before Mr. Levett made that remark?—I had seen his (plaintiff's) hand in a suspicious place, but I did not like to look too closely.

You knew that Mr. Levett was looking?—I concluded so. After what I had told him it would have been a natural thing for him to do.

After Mr. Levett had said this did you notice anything in the plaintiff's play?—I saw him win again one distinct coup. I do not know who was taking the card; at any rate the card was favourable. This time he had not got his hands in the same position as he had the first time. He had got them back over his own counters. He had got £5 down at the edge of the table. The only thing he could see close to the paper was a £2 counter, and this, with the pencil he had in his hand, he just pushed over the edge of the paper and half-way up. He was paid £7.

Still with respect to the first evening, did you see anything else in his play which you noticed?—Nothing that I can specify. I dare say, had I been asked the next afternoon, I could have specified half a dozen more cases.

How long did you play that evening?—About one hour and a half.

After the game was over did you go to Mr. Levett's room?—Yes; I went up with him.

What did Mr. Levett do in his room?—He threw himself down across the bed.

What was it he said?—He said, "My God! to think of it—Lieutenant-Colonel Sir William Gordon-Cumming, Bart., caught cheating at cards!" That was the first thing he said. I asked, "What on earth are we to do?" He said, "For goodness' sake don't ask me. He is in my regiment and was my own captain for a year and a half. What can I do?" I then said to him, "I know what I shall do. I shall have a talk with my brother-in-law in the morning." I then left the room.

Did you go to your mother's room?—Yes; straight from him to my mother's room. I told her that I had seen him (Sir William Gordon-Cumming) cheating at cards.

Was she surprised and distressed at what you told her?—Yes, she was. She said, "For goodness' sake, don't let us have a scandal here."

Did you take any steps that night with reference to procuring a different table for the next night?—Yes. Immediately after the game was over I had seen the butler,

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and ordered a long table from the pantry to be prepared, and to be covered with green baize, on which to play the next night. A line was to be drawn on it the next night; it was to prevent him cheating.

Did you say anything to your mother about this new table?—Yes, I told her I had ordered it from the butler and said, “I think, at any rate, that will stop him. He will not be able to cheat to-morrow night.”

And that is all that happened the first night?—That is all.

On the morning of Tuesday, 9th September, did you take a walk with your brother-in-law, Mr. Lycett Green?—Yes, I did.

Did you speak to him of what had happened the night before?—Yes; I told him of what I had seen.

And did you mention the name of Mr. Levett then as one who had also seen something?—Yes.

What did Mr. Lycett Green say?—At first he was very indignant, but I told him that I should never think of saying such a thing unless I was absolutely confident of it.

Did you say anything to him about the change of the table?—Yes; I told him I had done my best to stop any recurrence of it. I said, “He will not be able to do it to-night at any rate, as we have so arranged the table that I don’t think it is possible.”

Is it true that at this time, or at any other time, you and Mr. Lycett Green agreed to watch the play?—No, it is absolutely untrue.

Did you agree with any one to watch the play?—No, with nobody at all.

Well, then, on that morning, the 9th, the party, as we know, went to the races and returned after dinner, and there was a game of baccarat again that evening?—Yes, there was.

Now, I want you to identify the position of the different players at the table on the second night. [A miniature table, marked with pieces of white paper to represent the position of the players was handed to witness.] But first let me ask you this. I believe the play on the second night was in a different room from that in which you played the first night?—Yes, it was in the billiard room, adjoining the smoke room.

And you played on a table prepared according to your instructions?—Yes, on a long pantry table.

What size was it?—It was about 3 feet broad.

And how long?—I cannot exactly say how long, but it was a long table.

By the LORD CHIEF JUSTICE—How many persons could sit

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at it?—I should say that twenty could have sat comfortably at it. It was a very long table.

Examination continued—Do you know at all how far the chalk line was from the edge of the table?—I should say about 6 inches, roughly speaking. I cannot say for certain.

Now, as to the position of the players. The Prince of Wales was again banker?—Yes.

Where was he seated?—He was sitting here [pointing to the miniature table], with his back to the fireplace.

Opposite the Prince of Wales was General Owen Williams?—Yes.

Did he act as croupier?—Yes.

It appears, from what you stated, that on the second night the plaintiff sat between two ladies—between Lady Coventry and Mrs. Lycett Green?—Yes, he did.

Did you notice whether Sir William Gordon-Cumming took his place before or after the ladies were seated?—He came in after they were seated, and asked if he might sit down there.

At that time, when he took his place, had you already taken yours?—I believe I had. I believe I had marked it with counters at the head of the table. I was not sitting down. I fancy I had marked the place.

Your place was next to Mrs. Lycett Green, and round the corner of the table?—Yes, it was.

Immediately on your left was Mr. Lycett Green?—Yes.

And Mr. Levett was quite at the opposite side of the table?—Yes, he was sitting somewhere there, but I cannot absolutely swear to the exact place.

Now, on the second night, was the staking altogether over the white line?—Yes, certainly.

By the SOLICITOR-GENERAL—That was what the white line was there for?—Yes.

Examination continued—Did you notice whether on the second night the plaintiff had a piece of notepaper before him?—Yes; I believe he had. I am not absolutely positive, but I think he had.

Did you notice where he kept his counters?—Yes; he kept a few of them on the table, but the majority were in the breast pocket of his dress-coat.

Had he a pencil?—Yes, he had a long pencil; one of those carpenter's pencils, flat.

I believe there were a number of these pencils in the house?—Yes, with "Tranby Croft" stamped on them.

On the second evening you and the plaintiff were in the same tableau, but this time it was the right tableau and not the left?—Yes.

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You would get your cards first and be paid first as compared with the left?—Yes, certainly.

Now, tell me in your own words whether you noticed anything, and, if so, what it was?—The first occasion on which I noticed anything of the sort, Lady Coventry was taking up her cards. She was sitting between General Owen Williams and Sir William Gordon-Cumming, and Sir William was helping her.

Did you notice what Sir William had staked?—He had staked one £5 counter.

That was over the line?—Yes, well over the line.

You saw Lady Coventry taking up the cards?—Yes. He looked over her hand. The Prince said, "I give cards." I think the card was seven. Sir William said, "Don't take a card." Immediately he said this I saw his hand come out like this [extending his hand]. There was something in his hand and he was advancing it, and while the Prince was asking the other side he worked it nearer the white line. It came round to the Prince of Wales to take a card. He took one, and when he saw it he said, as near as I recollect, "I am baccarat," or "A two." At all events it was a low card. Immediately on hearing this, Sir William gave it just a movement over the line, and it went only just over the white line, where he left it.

What was it?—It was a £10 counter just over the edge of the line, and it was about four inches away from the other counter, the original £5 stake.

Both were over the line?—Yes, both were over the line, but the £10 counter was only just over.

Then your table had won and had to be paid?—Yes, certainly.

In paying, the £5 counter was paid?—Yes.

By whom?—By the Prince of Wales, as far as I can remember, to Sir William, but the £10 counter was overlooked. On noticing this Sir William looked up and said to the Prince of Wales, "I beg your pardon, sir, but there is another 'tenner' here that you have forgotten," and the Prince of Wales said, "I wish you would put your stake in a more conspicuous place."

And it was paid to him?—It was paid him.

Now, can you tell me any other incident that you noticed on the second night in connection with the plaintiff's play?—There was another occasion. I cannot remember who took up a card, but at any rate the card was favourable to our tableau.

Did you observe what Sir William had staked before the cards were dealt?—As far as I can remember it was a £5 counter that he had staked originally.

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Yes?—And then, immediately he saw that the card was favourable, he took his long pencil and “flicked” a £5 counter which was near the line over it—quietly “flicked” it over the line with his pencil.

Did you see anything else that night?—Nothing that I could swear to—nothing that I could give the details of. I know he cheated other times, but I cannot give the details.

You sat next to Mr. Lycett Green on this occasion?—I did.

Do you remember Mr. Green leaving the table?—Yes, certainly. He went out into the other room.

I believe he did not say anything to you?—No.

Did you afterwards see a servant bring in a note to Mrs. Wilson after Mr. Green left the room?—Yes, I did; some little time after.

Mr. Lycett Green then returned?—Yes; he came back, and, as far as I remember, took his seat again, but not for very long.

Next morning you went to the races?—Yes.

Did you go by train, in the same carriage with Mr. Lycett Green and the two Somersets—Lord Edward Somerset and Captain Arthur Somerset?—Yes, I did.

Was there any one else in the carriage?—No; we were quite alone.

And did you speak to them about what happened the night before?—Yes; we talked it over, and asked what we ought to do.

Who do you mean by “we”?—My brother-in-law and myself.

Then, did they give you advice?—Yes.

What was it they advised you to do?—They told us the best thing we could do was to put it in the hands of Lord Coventry, as our oldest friend, and one of the oldest members of the party.

I ought to have asked you this question before. Before you went to Doncaster on the morning of the 10th, had you spoken on the subject to Mrs. Lycett Green and your mother?—Yes, we had.

And did they tell you what they had seen?—Yes.

Did you mention that also to Lord Edward and Captain Arthur Somerset?—Yes, we did.

Did Mr. Lycett Green tell them, in your presence, that he had seen it also?—Yes, he did.

In coming back from Doncaster, in the afternoon, was Mr. Levett in the carriage?—Yes; he came back with us in the same carriage, making a party of five.

Otherwise, the same party?—Yes.

Was he told that it was intended to consult Lord Coventry?

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—Yes, he was; and he asked if it was not possible that he could be left out of it considering the position he was in.

What position was that?—That Sir William Gordon-Cumming was a superior officer in his regiment.

What did Mr. Lycett Green say to that?—He said he would if it was possible. He would do the best he could.

When you reached Tranby Croft did you and Mr. Lycett Green go to Lord Coventry?—We did. We went to his room. I got in a little later than Mr. Green.

Mr. Levett did not accompany you?—No, he did not.

Was that in consequence of what had occurred in the train?—Yes.

Sir CHARLES RUSSELL said he believed the Solicitor-General had received a letter from General Owen Williams correcting a point in his evidence with regard to the presence of Mr. Levett at the interviews. He had mentioned yesterday that Mr. Levett was present with Mr. Lycett Green on the first occasion, and now wished to correct the statement. He was not present.

The SOLICITOR-GENERAL said he had received such a communication, in which General Owen Williams stated that the *précis* was right and he was wrong.

Examination continued—You went, you say, to Lord Coventry's room?—Yes.

Did Lord Edward and Captain Arthur Somerset go with you?—Yes, they did.

Now, what was said by either, and which of you, to Lord Coventry?—My brother-in-law was the principal spokesman. I may have said a few words, but he was the chief speaker. He told him what we had seen, as far as I can remember, exactly.

Did he mention Mr. Levett?—He did mention Mr. Levett as having seen it as well, but explained that Mr. Levett did not wish to be brought into the matter.

Did he mention the ladies as having seen it?—Yes; he mentioned Mrs. Lycett Green and Mrs. Wilson.

We know that Lord Coventry called in General Owen Williams. After General Williams came in, was the story repeated to him?—Yes; it was repeated to both of them together.

What did they say to you?—Oh, they were both quite surprised, of course, and asked us whether we were absolutely certain on this point, and talked to us a long time about it. I cannot now remember the exact words used; it is a long time ago.

What was the effect of what they said?—They said, "If you really mean this, there is one thing we must do. We

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must go and lay it before the Prince of Wales "; and they left us for that purpose.

Was that before dinner?—It was.

Now, after dinner, were you called into the presence of the Prince of Wales?—We were; some time after dinner.

Which of you?—My brother-in-law, Mr. Berkeley Levett, Lord Edward Somerset, Captain Arthur Somerset, and myself—and, of course, Lord Coventry and General Owen Williams.

Did His Royal Highness question you as to this statement?

—He did, very carefully, on every point.

Separately?—Yes; me first, and then my brother-in-law.

Do you remember his putting any question to Mr. Levett?

—Yes.

What did he say?—He turned round to Mr. Levett, and said that my brother-in-law had told him that Mr. Levett had seen it as well. "Did you see it?" and he said "Yes." That was the only question, as far as I can remember, that was put to Mr. Levett.

You say Mr. Levett said "Yes." Do you remember his saying anything else, in answer to the Prince of Wales?—He may have done, but I cannot remember just now.

Was anything said by any one as to confronting Sir William Gordon-Cumming?—Oh, yes. My brother-in-law said distinctly that if he did not think himself to be guilty he wished to be confronted with him at once.

I think nothing was said at that time about the undertaking?—No. I do not think there was anything then said about it.

But, later in the evening, was anything mentioned to you about it?—Yes.

By whom?—By Lord Coventry and General Owen Williams.

Was Mr. Lycett Green present?—Yes, he was.

Did he concur or object?—No; he objected to the paper altogether. He said he thought that months afterwards it might come up against us; that the plaintiff might bring an action against us or insult any of us, or words to that effect. I cannot recall the exact words.

What did General Owen Williams say?—General Williams assured him that in signing the paper the plaintiff admitted his guilt.

By the SOLICITOR-GENERAL—Do you remember the words used by General Owen Williams?—I cannot remember the precise words now. It is nine months ago.

Examination continued—You did sign the undertaking?

—Yes, I did.

Now, from that time—from the moment you signed that

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undertaking till this action was taken—did you breathe a word to any human being as to what you saw Sir William Gordon-Cumming do that night?—No, not a word.

You remember, in the month of January in the present year, receiving a communication from Mr. Levett asking you to come to London?—Yes; he sent me a telegram.

And I believe you did come to London in consequence?—Yes, I did.

And you had an interview with Mr. Levett?—Yes; at St. James's Barracks.

Can you tell us whether that was on 26th January?—I cannot say the exact date. It would be somewhere about that time.

Or the day of the week?—No, I don't remember, but I think it was Monday as far as I can recollect.

Well, on 27th January you received a letter from the plaintiff's solicitors?—Yes, on the 28th; it was dated the 27th.

The letter demanded a retraction, or advised you that action would be taken against you. In answer to that, did you put the matter into the hands of your solicitors, and reply that you were prepared to justify your action?—Yes.

Cross-examined by the SOLICITOR-GENERAL—On what date were you twenty-two years old?—On 30th July last year.

What is your occupation?—I don't know that I have any occupation. I don't do much.

What is your occupation as far as you have any?—Perhaps I should say that I have none.

How long ago did you leave Cambridge?—About two years ago, I think.

What was your college?—Magdalene.

Did you go through a full college course?—No; I was only up there a year.

How did that happen?—Because I did not do much work up there, and I thought it was rather a waste of time.

Did any one else think it was rather a waste of time?—Yes, I think my father did as well.

And he thought you might come away?—He said it would probably be better.

In order that you might waste more time?—No. I went into my father's business for a month.

Did you waste more time there?—No. I worked very hard for a month.

And since then you have not returned to business?—No, I have not.

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Where and on what occasions before September, 1890, did you play at baccarat?—At various places.

Mention some of them?—I played it in London.

Where?—At one or two private houses.

Tell me the name of some one place where you played baccarat?—I played at one or two houses, but I cannot mention names.

Do you not recollect the names of any persons at whose houses you played?—I remember about two years ago I played at Mr. Hurlbert's house in Chester Street. It was quite a small game.

How many persons were there?—About half a dozen or so.

Any members of your family there?—No; I was the only one.

Have you played baccarat at Tranby Croft?—Yes.

On what date?—About a year before that time.

What time?—The occasion of the Doncaster party last year.

Was it on the occasion of a Doncaster party of 1889?—I do not remember whether we played it on that occasion.

The Doncaster of one year usually comes about a year before the next Doncaster. I suggest to you that it was at the Doncaster party in 1889?—I do not remember.

Was His Royal Highness present?—No, he was not.

Was it in consequence of the play on that occasion that your father objected to the game of baccarat at Tranby Croft?—It was.

When was that?—I should say about October or November.

The Doncaster Meeting would be in the first or second week in September?—Yes.

Then in October or November baccarat was played at Tranby Croft, and your father objected?—He did.

From the time that your father objected till His Royal Highness visited the house was baccarat played at Tranby Croft?—No; we never played.

Tell me, if you can, some other places where you have played baccarat?—I played it when I was up at Cambridge.

Where?—I cannot remember precisely. I may have played it at some man's rooms.

Will you mention anybody with whom you have played baccarat at Cambridge?—I cannot recollect.

Will you mention any one person with whom you will swear you played baccarat?—I cannot.

Do you represent to the jury that on 8th September, 1890, you were familiar with the game of baccarat?—I think I knew the game fairly well.

(Question repeated)?—I do.

Evidence for Defendants.

Arthur Stanley Wilson

You have heard a great deal of it since, I suppose?—A very great deal.

Have you played at baccarat with members of your family?—Before this occasion?

Yes?—Oh, yes, I think so.

Where?—At Tranby.

Have you played baccarat with Mr. Lycett Green before?—Yes.

Where?—At Tranby, and on a moor we had. That was about three years ago, I think, but I am not certain.

You represent to the jury that you have a clear memory as to the events at Tranby Croft?—Yes.

You have a clear memory as to the story you told on the night of 10th September?—Yes.

Mr. Lycett Green was your spokesman on that evening?—He was.

You are aware that he did not profess to have seen any false play at all on the evening of the 8th?—No, he did not.

Then he was professing to relate, as to the evening of the 8th, not what he had seen, but what you had seen?—What I had told him. I may have put in a word here or there, but I cannot say.

You would have put in a word if it had been necessary to correct any inaccuracies?—Certainly.

So that what he told to Lord Coventry on that occasion was the story as you wished it to be believed that night?—Yes.

I think that account was given three times in the course of that evening?—We went into more details on the second time, so far as I recollect.

In the first instance Mr. Lycett Green in your presence gave an account to Lord Coventry?—Yes.

Then Lord Coventry desired to be joined by General Owen Williams?—Yes.

And the account originally given to Lord Coventry was repeated in his presence?—It was.

Then the third and more detailed statement was made before the Prince of Wales?—Certainly.

In presence of Lord Coventry and General Owen Williams?—Yes.

And I understand you to say that His Royal Highness paid particular attention to what was said, and asked questions with regard to details?—He did.

So that you have no doubt that there came to the minds of Lord Coventry and General Owen Williams and His Royal Highness on that night exactly the account which you were then in a position to give?—Certainly.

Now, sir, I will read the record of what you then said

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—a record which, as you are aware, has been signed by General Owen Williams and Lord Coventry, and affirmed by the Prince of Wales: "After returning from the races on the 10th inst., Mr. Lycett Green, having previously taken counsel with his father on the matter, made a statement to Lord Coventry to the effect that his brother-in-law, Mr. Arthur Stanley Wilson, had told him on the evening of the 8th that Sir William Gordon-Cumming systematically placed a larger stake on the table after the card had been declared in his favour than he originally laid down, and that when the cards were against him he frequently withdrew a portion of his stake, by these means defrauding the banker." Is that a true account of what Mr. Lycett Green said in your presence?—It is more or less so. It may not be as to the withdrawing of the stake frequently.

Listen to the paragraph I have read, and answer the question I put. Is the sentence I have read to you an accurate statement of what Mr. Lycett Green said in your presence?—I should say not quite.

I will take it separately. Did Mr. Lycett Green in your presence say that you had told him that Sir William Gordon-Cumming systematically placed a larger stake on the table after the card had been declared in his favour than he originally laid down?—Yes, certainly.

And you used the word systematically?—Yes, I dare say I did; though I cannot swear if I did use the word. I fancy I did.

So there is no doubt of the accuracy of the record so far as that is concerned?—No.

Did Mr. Lycett Green say that you, on the evening of the 8th, had told him that when the cards were against him Sir William Gordon-Cumming did frequently withdraw a portion of his stake?—No; I do not think he said that—in fact, I am sure he did not. I only saw him withdraw once.

I take your answer, and we will come back to what you saw. I come to the next paragraph: "This conduct is described as placing a larger stake after the cards had been declared in his favour, and with frequently withdrawing a portion of the stake when the cards were against him. This conduct had also been noticed by Mrs. Arthur Wilson." Did Mr. Lycett Green tell these three gentlemen, at different times, that on the evening of the 8th Mrs. Arthur Wilson had noticed that conduct?—Yes.

I do not wish to catch you for a moment, and you may not have noticed the exact form of my question. Did Mr. Lycett Green tell General Williams, Lord Coventry, and His Royal Highness that on the evening of the 8th Mrs. Arthur Wilson

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had noticed that conduct?—No; I beg your pardon. I thought you said on the evening of the 9th.

By all means put yourself right. I ask now, did Mr. Lycett Green in your presence tell these three gentlemen that Sir William's conduct had been noticed on the 8th by Mrs. Arthur Wilson?—Certainly not.

And that she had informed her husband of what she had seen?—No; certainly not.

In order to make my question perfectly clear I will read the whole passage. The Solicitor-General, having read the passage as to increasing and withdrawing the stake, continued: "This conduct had also been noticed by Mrs. Arthur Wilson, who informed her husband of what she had seen. Mr. and Mrs. Lycett Green and Mr. Levett having been also made acquainted with the facts, it was agreed that they should all carefully watch the play on the following night." Is that a correct statement of what occurred?—No, it is entirely wrong.

No such thing was ever said?—Certainly not, because the things did not take place at all that were put down.

Do you mean that no such thing as that was ever said by Mr. Lycett Green to Lord Coventry, General Williams, or His Royal Highness?—I am certain it was not said.

Is it true that Mr. Lycett Green told these three gentlemen that Mrs. Arthur Wilson informed her husband of what she had seen?—Certainly not on the evening of the 8th.

Did he say Mrs. Arthur Wilson had informed her husband upon any occasion?—That I cannot be quite certain about. I think he did. My idea is that he did. In fact, I am nearly certain of it, although I could not swear.

Do you remember what was said to Mr. Lycett Green as to your mother having informed your father of what she had seen?—I do not remember the exact words.

Do you remember the substance?—No; I cannot say what he said.

Is it a fact that these persons whose names are mentioned—Mr. Lycett Green, yourself, Mrs. Arthur Wilson, Mrs. Lycett Green, and Mr. Levett—agreed that you should all carefully watch the play on the following evening?—No, most distinctly no.

I am to understand that you now tell the jury that no such statement as that was made by Mr. Lycett Green to either of the gentlemen mentioned?—No; there was no such statement made.

The LORD CHIEF JUSTICE—This is as to the agreement?

The SOLICITOR-GENERAL—Yes, my lord; the agreement to watch.

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Cross-examination continued—No such statement was made as to an agreement to watch on any day?—No; absolutely nothing.

So that if this statement gets into the record of the transactions drawn up by General Williams, you cannot imagine how it got there?—No.

It must have been invented?—It may be as I put it to you. Four people had seen him in the course of the night.

Forgive me. This purports to be a record of what was said?—I know nothing about it. I have not seen it before. I was never asked any questions upon the subject.

I am quite aware of that. How it came to find a place in the record you cannot tell?—No.

Now, I want to complete this. They agree, it is said, to watch carefully the play on the following night, "when again Sir William Gordon-Cumming was frequently observed most distinctly to repeat the same practice." Was anything said by Mr. Lycett Green in your hearing, to either of these three gentlemen, as to withdrawing the stakes the second night?—No, never.

You said that the *précis* was not shown to you?—Yes.

You are aware that it was sent to the Prince and then remitted to Lord Coventry for verification, and that His Royal Highness has himself affirmed it?—Yes.

Coming to the account which has been given to-day, did you at any time make a memorandum of what you allege took place on these evenings?—No.

You made the observations which struck you at the time. If you had been asked the day after, could you have given a more detailed account?—I could have detailed several other acts if I had been asked.

Quite possibly?—I am certain of it.

You were asked the day following by His Royal Highness?—I may have given more details then.

Will you undertake to say you did?—I probably did.

Will you undertake to say you did?—No; I will not undertake to say I did.

Do you suggest to the jury that any part of such a matter as that could have slipped from your mind?—Certainly. After nine months one is quite liable to forget a few of the facts or forget the details.

Forget the details?—Yes.

On the evening of the 8th we know there were three tables together. Did you play in the library or smoking-room?—Smoking-room.

What were these tables—whist tables or coffee tables?—There were two whist tables, and the other was the smoking-room table.

Evidence for Defendants.

Arthur Stanley Wilson

The higher one was in the middle?—Yes.

So that the two tables at which the players were seated at either end would be two whist tables?—Yes. Of course, some were at the centre table as well.

I put it to you specifically, that the two tables at which the players sat were two ordinary-sized whist tables, and the centre table was the smoking-room table?—Yes.

Larger than the others?—About the same size. It was a bit larger than the others.

So that when His Royal Highness was seated in the middle at one table, would he have one person on his right and one person on his left sitting at the table?—Yes, I say so; I am sure he had.

Come, then, to the whist tables. There would not be room for more than two persons at the side of either of these tables?—No.

I suppose the whist tables were ordinary whist tables covered with green baize?—They were covered with a table-cloth right across the whole lot.

Do I understand that one large table-cloth covered the whole three tables?—No; I do not think it was one. I think there were two or three—certainly two—coloured table-cloths.

Were there table-cloths over the separate tables, or one table-cloth with an uneven surface over the whole three?—I am not quite certain about that.

At all events, can you tell me the colour of the table-cloth on the table at which Sir William Gordon-Cumming was?—It was a table-cloth with a pattern upon it, but I could not say for certain.

Dark or light?—Neither one nor the other, so far as I can make out. There was a pattern upon it.

What value in counters did you purchase at the beginning of the evening?—I cannot quite remember. I think £20. I think it was something about that.

I presume when you only bought £20 worth of counters you would buy them in small denominations?—Yes.

Had you any counter as high in value as £5?—Oh, yes. I had one or two, perhaps.

Was the play for the most part small and low?—Yes. I was playing low. I did not ask as to the other persons who were sitting at the table.

So far as yourself and Mr. Berkeley Levett were concerned, were they small sums you were dealing with?—Yes.

What was the highest amount you have ever staked?—I have gone £10 on one coup once or twice. I never did more, so far as I can remember.

You would recognise these at a distance as distinctive

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counters and know the amount they represented?—Yes.

You would recognise this brown counter as £10?—Yes.

The red represented £5?—Yes.

The dark blue £1?—Yes.

This?—10s.

And this?—5s.

And the counters which the players were playing with were counters distinctive in colour and in size, and recognisable as you show at a long distance?—Yes.

Mr. Sassoon sold the counters or handed out the counters?—Yes.

Did you happen to notice whether Sir William Gordon-Cumming was playing with larger or higher stakes than the other persons?—I should say he probably was. He seemed to have more counters than the others.

More than any other person on that side?—I do not quite remember what the others had just now.

At all events, your attention was called to the fact that he was playing with a good many more than you were?—Yes.

You say you have played baccarat before. It is as nearly a game of chance as any game can be to have any element of intelligence?—Yes.

Do you play baccarat on any system?—I do not think I do. I play just as fancy strikes me.

Do you know anything of baccarat players' systems?—Yes. There is what is called the *coups des trois*.

That is to say, three coups in succession?—Yes.

The gambler's hope of making a large coup would be by following the luck either of himself or of some other player?—Probably it may be some people's custom. The *coups des trois* is if you win £5 you add that £5 and another £5. If you won then you would get £15, making £30. Then if you play high you would lay it on again.

If you were fortunate enough then to win you would have £60, and you could put £50 in your pocket and go on playing with the £10 with which you originally started?—Yes. Of course there are various ways of playing.

I quite appreciate that. Do you understand what is meant by keeping a tableau?—Yes; marking it down on paper.

Putting at the top "B" and "P," then with your pencil putting dots or ticks underneath, taking care to put them so that you will know the order at the end of the play and be able to see the result?—Yes.

Do you recollect of being particularly lucky one night?—No; I cannot recall that to my mind.

Do you remember something being said about your being

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a novice?—I certainly do not recollect it, but it may have been said.

You would not dispute your claim to that title?—Oh, no.

I understand your account to be that the very first coup that was played you saw a £5 stake, and then something you have described?—I saw the £5 staked before the cards were dealt.

The advantage of this game is that you stake your money in absolute ignorance of what your chance will be of winning. You say you saw the £5 staked before the cards were dealt; who was handling the cards at that time?—My mother.

She, as sitting to the immediate left of His Royal Highness, would handle the cards?—Yes.

Do you remember that your side of the tableau was successful—very successful—on that evening?—No; I don't think so. I know I won something. I don't think I was remarkably successful. It did not strike me as so. I think Mr. Levett, next me, lost a little.

That may be by the player making his larger stakes on the wrong deal?—Certainly.

After your mother Mr. Berkeley Levett would handle the cards?—No; I believe there was somebody in between. There was a blank space. It was suggested it was a chair, but I think there was some one sitting in it. I think so. It might not have been.

Then the cards would come to you?—Yes.

Then to Sir William Gordon-Cumming, and then to Lord Edward Somerset?—Yes.

Do you remember for how many coups you handled the cards?—No; I have no recollection at all, but not many times.

Half a dozen times?—Certainly not.

The player who handles the cards has to pass them to the next directly the tableau loses?—Yes.

Presuming that the first time your tableau won, your mother would pass the cards?—Yes.

Supposing the tableau has lost frequently, the cards would pass round that tableau probably before the right hand tableau had them?—Yes.

After they have gone round the tableau are they started with the person to the left hand of the dealer?—Yes.

Can you give me any idea of how many times the cards had gone round the tableau at which you were sitting that evening?—No.

A good many times?—I should say a good many times.

Two or three times?—I should say so.

I was told that you had said so?—Probably.

It was on one occasion when the cards were being handled

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by Lord Edward Somerset that you say you saw something?
—Yes; the first time he handled the cards.

There were six persons sitting at this whist table which constituted the end of the tableau at which you were playing?
—I am not quite sure that there were six.

At the whist table you were sitting at there was somebody whom you do not remember?—Yes; I do not remember.

Now, I understand that Sir William Gordon-Cumming had got an ordinary sheet of notepaper on the table, and these counters which he staked—£5 or otherwise—were put on that paper?—Yes; towards the top of the paper.

Towards the end of the paper farthest away from Sir William Gordon-Cumming?—Yes.

That piece of paper was in the clear observation of a good many people?—Certainly.

Including such persons as Lord Edward Somerset?—Yes.

Could Mr. Tyrwhitt Wilson see it?—I really do not remember.

Could the Prince see it?—Yes.

Could General Owen Williams see it?—Yes.

Who, on that evening, was acting as croupier?—I do not think there was anybody.

The Prince, at the first coup, having started with a £100 bank, would have £100 in counters before him?—Yes.

At any time would there be more than six cards face downwards on the three tables?—No.

It is not a matter of each player having cards in front of him, but only of two cards, face downwards, being on each tableau?—Yes.

Then the right-hand player, before deciding whether he would take another card, would have taken up his cards and looked at them?—Yes.

And if, after he had looked, he took another card, it would be dealt out face downwards?—Yes.

What is the incident in the whole transaction which you call "declaring the cards"? Do you know that such a phrase is in ordinary use in talking of baccarat?—I suppose it is used.

Have you ever heard it used?—I may. I think I have.

I suggest to you that it is not a phrase in ordinary use in baccarat?—I have heard a person say, "I declare my cards as five," or something like that.

By the banker?—No. We generally say, "I am five," or whatever it is, or "I am baccarat."

A deal has taken place with the cards face downwards. The banker has lifted his card, and we assume that it is a three or four. He says "I give cards" to the players, and the right takes one, but the card is thrown down face

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upwards. Then the same thing is done with the player to the left. Then the banker—who, we will suppose, holds four—takes a card himself. Assuming that it is three, that makes seven, and he declares that it is seven?—Yes.

And that is what is called declaring the cards?—Yes, I would call it declaring the cards.

I don't mind what you call it?—I don't mind either.

What is called "declaring the cards"?—I have never thought about it.

We have heard a great deal of baccarat lately. Will you think of it now and tell me what is "declaring the cards"?—I suppose that it is declaring what a particular card is worth.

Of course a player, if he holds a natural, lays down his cards; otherwise the banker declares first?—Yes.

The jury will understand you to say that in each case the alteration of stake which you allege was made after the banker had declared his point?—Not each time; not the first time.

The first time the Prince had said "I give cards." Therefore, he could not have a natural. Lord Edward Somerset picked up the cards and looked at them, and then Sir William Gordon-Cumming looked at them——

The WITNESS—Not the first time. That was the first time I saw him distinctly cheating. I think you will find that by my evidence.

You told us in your evidence that the first thing happened at the very first coup?—I did not say I saw anything. I said what happened.

If you describe what happened you must have seen it?—I did not say that I saw anything that Sir William Gordon-Cumming did wrong.

You do not suggest that you saw any cheating at the first coup?—Certainly not. I do not suggest anything of the sort.

Then I understand that, so far as the first coup was concerned, you do not represent that you saw him do anything wrong?—Yes.

That being so, I pass from that, and come to the instance in which you say you saw him cheating. On that occasion Lord Edward Somerset was handling the cards?—Yes, in the first case.

Lord Edward Somerset was sitting not on the same side of the whist table as you were, but just round the corner?—I should say he was sitting at the corner. It was a square whist table.

Sir William next to him?—Yes.

And you next?—Yes.

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I understand you to say that you leant over to see Lord Edward Somerset's cards?—Yes, as Sir William was doing it that time.

The LORD CHIEF JUSTICE—That is right enough, isn't it?

The SOLICITOR-GENERAL — Oh, certainly. (*To Witness*)
—Did you stake money on the cards which he was handling?
—Yes.

There was no objection to your seeing what he had?—Not the least.

You would quite naturally do that without any dishonest intention of taking any advantage of the cards?—Yes.

You illustrate by putting your hands together the way in which he was holding his hands at the time?—Yes.

Were you leaning over in front of him or behind him?
—We were both leaning over together.

You suggest you saw something red in his hand?—Most certainly I do.

At that time was the sheet of paper to which you have referred lying upon the table in front of him with a red counter upon it?—It was.

You said Lord Edward Somerset had a natural?—Yes, he had.

You had placed your stake?—Yes; upon the higher table beyond Lord Edward Somerset's stake, which was in front of him at the time.

He was only playing in half-sovereigns?—Yes. He may have had sovereigns on sometimes.

He put his counters on the table?—Yes, just in front of him.

He did not put them on the sheet of paper?—He may have done that, although I am not quite certain.

Cannot you say?—No, I cannot say for certain.

Did you notice Lord Edward Somerset's first stake in the evening?—Yes.

How much was it?—I think 10s., but I am not perfectly certain.

Then I understand you to say that on this occasion you saw three more £5 counters on the paper?—Yes; I swear I saw it.

Do you mean to say that, there having been upon the table a sheet of white paper with a red counter upon it as Sir William Gordon-Cumming's stake, immediately Lord Edward Somerset had declared a natural you saw four red counters upon it?—There were certainly four counters upon it. I saw him open his hand, as I have said before, and drop them out.

Put his hands over the paper?—He had kept them there the whole time. I could see the £5 counter underneath.

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He just lowered his hand, and, opening it, let three more drop out.

And immediately after a natural was declared?—Immediately after he had seen the cards.

Had the natural been declared or not?—I think it was pretty nearly at the same minute, but I could not say for certain. Lord Edward Somerset would put down a natural on the table.

The point is, was the natural declared? You have been asked in this case to give particulars of all that you saw. "The cheating consisted in the plaintiff increasing his stake after the card was declared in his favour." Did you use that phrase?—I may have done.

Do you not swear in that affidavit that the cheating consisted in adding to the stake after the card was declared in his favour? Do you mean that it was after Lord Edward Somerset had declared a natural?—He certainly had seen the natural, and I think Lord Edward Somerset had put it down, but I am not quite certain.

I am merely quoting your own sentence?—What I consider is—he had seen the card and he knew it was a natural. It was virtually declared.

Do you know that in every one of the five affidavits this particular phrase has been used, "after the card was declared in his favour"?—I cannot say.

Do you swear that what was done was done after Lord Edward Somerset had declared a natural?—I cannot swear to that, but I can swear that Sir William saw the card, and if not declared it was virtually declared—it was as good as declared.

By the LORD CHIEF JUSTICE—You maintain your answer is substantially the same—that he had seen the card?—Yes.

And that having seen it, he put on more counters?—That is exactly what I mean.

And you say that is substantially the same as you stated in your declaration?—Yes; it was declared at once. I could not say whether it was on the table or not.

The Court adjourned.

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Fourth Day—Thursday, 4th June, 1891.

ARTHUR STANLEY WILSON, further cross-examined by the SOLICITOR-GENERAL—Is this (a carpenter's pencil) one of the pencils such as was used by Sir William Gordon-Cumming?—Yes; it has Tranby Croft printed upon it.

Are there many such pencils about the house?—Yes.

Could any one pick them up and use them?—Yes.

Were other people using them?—I dare say.

Can you say whether any one else was using these pencils and keeping a tableau?—I cannot say for certain, but it is probable that other persons were keeping a tableau.

Was Captain Somerset using such a pencil?—I cannot say.

Have you ever played with Captain Somerset before?—I cannot say for certain. He has been at Tranby Croft many times, and I think we had played once prior to this occasion.

Is your recollection quite definite as to what took place on that evening?—It is.

How is it that your memory is definite on some matters and not on others?—It is only natural. I have talked the subject over with my brother-in-law, and have thought about it very often.

Not being a pleasant subject you thought of it very often? You have had a great many interviews with your solicitors?—Yes, a great many.

Had you seen Mr. George Lewis before you made your affidavit?—Yes.

Who prepared the affidavit?—Mr. George Lewis.

Had you given a written statement?—I made a statement, which was taken down in writing.

Before 8th September had you ever played with the counters used on that occasion?—No.

Had you ever seen the counters before?—No.

Whose counters were they?—His Royal Highness the Prince of Wales's.

His Royal Highness had brought them to the house with him?—Yes.

You had no such counters at Tranby Croft?—No.

Have you ever played with similar counters since?—No.

Have you seen the counters since that night until they were produced in Court?—No.

When you left the table on the evening of Monday and went to Mr. Levett's room, were you certain that you had

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seen Sir William Gordon-Cumming cheat?—As I said before, I could have staked my life upon it.

I may take that as yes?—You may.

Was it before or after you went to Mr. Levett's room that you gave orders about another table?—Before going.

You did nothing to prevent Sir William Gordon-Cumming playing again?—No.

That being the case, how many persons were put in possession of the story?—Mr. Levett, my brother-in-law (Mr. Lycett Green), and my mother.

You told Mr. Lycett Green?—Yes, next morning.

Had he been playing?—I don't remember. He may have been playing a short time.

And had noticed nothing?—No.

And he told Mrs. Lycett Green, who also had been playing and had seen nothing?—Yes.

When you told them your story you told them as positively as you do now?—I did.

Was Mr. Wilson, your father, made acquainted with the matter?—That I cannot say. He had gone to bed. I saw him the next day, but I did not say anything to him. I told my mother, and I thought that was sufficient.

You saw your father at the races?—Yes.

Am I to understand that this was the state of affairs—that you did not tell your father anything at all about it?—I did not. I told my mother and my brother-in-law.

What instructions did you give as to the preparation of the table?—I told the carpenter to cover a large table with green baize. I did not give instructions for having the chalk line upon it.

Who did it?—I believe His Royal Highness did it himself.

Did you see it done?—No; I was told.

Were you told that on the evening of the 10th?—I fancy so. I think Mr. Berkeley Levett told me.

On the Tuesday you went to the races?—I did.

Was Sir William Gordon-Cumming lunching with the party?—Yes.

And you behaved the same as if nothing had happened?—I do not think I saw Sir William Gordon-Cumming that day.

Did you afterwards play billiards with him?—I don't think I did.

Did you mention to your mother, or to Mr. and Mrs. Lycett Green, that you had ordered the preparation of a baccarat table?—I told my mother on the evening of the 8th.

Did you tell Mr. Berkeley Levett?—Yes, I think I did.

You went away from the table perfectly certain that you

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had seen Sir William Gordon-Cumming cheat?—Perfectly certain.

And ordered a special table, and told your mother of these things, and yet your mother sat down and played with Sir William Gordon-Cumming the next night?—Yes, thinking he could not cheat.

You thought it impossible that he could cheat when the line was drawn?—I thought so, in my ignorance.

On the evening of the 8th you said nothing about the chalk line, did you?—I may have done, and I may not. The line was made in order that no cheating should take place. We did not want a scandal in our house.

And did you think any person who intended to cheat would be prevented by the chalk line?—Yes. As I have said, in my ignorance I thought so.

Do you mean to say it suggested itself to you that putting red counters upon a sheet of white paper was less conspicuous than moving counters over a chalk line?—I thought so.

On the second night did it so happen that all the five persons who knew of the accusation were sitting close together?—Yes, more or less.

What do you mean by that?—Mr. Levett was sitting opposite, but whether exactly opposite I could not swear.

You told us yesterday that the table was only three feet wide?—Yes. It was measured a few days ago.

Then Mr. Berkeley Levett was sitting immediately opposite to Sir William Gordon Cumming, and within three feet of him?—Yes, I suppose he was.

Had you mentioned to the rest of the family party the use of the chalk line?—I thought every one would know.

What did you explain to your mother about the chalk line?—I told my mother that it would be impossible to cheat.

Did you say that to any one else?—To Mrs. Lycett Green.

So that this little party sat down with the knowledge or impression that that chalk line was placed upon the table to prevent Sir William Gordon-Cumming doing something which he would have done had the chalk line not been there?—Certainly.

No syllable having been mentioned to Sir William Gordon-Cumming or to his old friends staying in the house?—No, certainly not. What! My word against Sir William's?

I think it was your word and Mr. Berkeley Levett's on which the accusation was founded?—Mr. Levett was in rather a peculiar position.

Did you think it would be only your word against his?—Yes, after my interview with Mr. Levett.

He would not support the accusation then?—Not exactly that.

Evidence for Defendants.

Arthur Stanley Wilson

On the second occasion you had been to the races, and the Prince of Wales's horse had won, and you went to play baccarat about the same time?—Yes.

Was it usual to play baccarat on a chalked line, across which the stakes were placed?—Yes.

Now, on the second night did Sir William Gordon-Cumming again keep his tableau on a piece of paper?—As far as I know he did.

Did Sir William again place his counters on the piece of paper?—No, no, no! We were playing with the chalked line.

How far was the chalk line from the edge of the table?—About six or seven inches. It being a narrow table, and the chalk line being drawn six inches, it would leave only a small space in front?—Yes.

The ruled line could easily be seen by the people sitting around?—Yes.

You say you saw a sheet of notepaper, and that from time to time Sir William was marking?—Yes, so far as I remember.

Have you any doubt?—No, I suppose I have no doubt.

Who else that night was keeping a tableau?—I don't know. I do sometimes myself.

Did you that evening?—I do not know. I may have done. I do not remember now, it is so long since.

The circumstances under which you sat down ought to have impressed the fact on your memory?—Quite likely I did keep a record of my tableau.

Can you tell me of any other person keeping a tableau on that side?—I cannot.

How much money did you win the first night?—I won £30, and I think I took it out on the second night in counters.

On the second night how much did you win?—£25 or £30.

You were upon the second night continuing to play the low stakes you played the night before?—Yes.

How long do you think it was after you sat down at the table before you noticed anything?—I cannot tell. Perhaps twenty minutes or half an hour after I sat down I noticed something.

So far as you knew, you were the first person to observe anything wrong?—I don't know.

Before you noticed anything wrong, had your attention been called to any one else or anything else?—No.

What was the first thing you noticed?—I observed his hand move in a suspicious manner, but I could not see positively what it was doing.

When you first observed anything wrong the second night, you were not the first person to notice it?—So far as I know, I was.

Had you that night one of those carpenter's pencils?—No.

The Baccarat Case.

Arthur Stanley Wilson

Was any one else using them?—I cannot remember.

Was anything else on the table—glasses?—I dare say, if any one was drinking.

Were you smoking?—Yes. I should think so; most certainly.

Were there ash-trays on the table?—I do not think there were. I cannot remember. There may have been.

Where was Lady Coventry sitting that evening?—Between General Williams and Sir William Gordon-Cumming. Then Mrs. Lycett Green was next, and then myself.

You were round the corner?—Yes.

You could not see Lady Coventry's cards?—No.

Then at the time when, as you allege, you first saw, on the second evening, a hand come out and put a counter over the line, at that time you say you had not seen Lady Coventry's cards?—No; but Sir William did not put the counter over the line until he knew what side had won.

It was not a natural?—No; it was not.

So that the banker must have declared his points?—Yes; he must have done, and did too.

Were Lady Coventry's points declared by her or by Sir William?—They merely said, "We have won!" or Lady Coventry said so. As the banker's points were declared as he said "I have nothing," the counter just went over the line. It was only just over the line.

Do you represent that that was a £10 counter?—Yes, I do.

Making it £15 instead of £5?—Yes.

You saw him do that and have no doubt of it?—Absolutely no doubt.

And these other persons whose names have been mentioned were all sitting around without any cards in their hands?—Of course.

Only having to see whether Lady Coventry had won in order that that might decide whether they won or not?—Yes.

And with quite as good an opportunity as you of seeing what the play was?—Certainly, if they liked.

Did you think they must have seen?—Yes, I did.

Why, then, did you not say at that moment, "Sir William Gordon-Cumming, you only staked £5?"—There were ladies at the table.

Well?—Well, I should think that was a sufficient reason for not doing so.

Why, sir, should the presence of ladies at the table prevent the immediate charge, when you yourself knew that that charge had been communicated to two ladies before you sat down to play?—As I have said before, it is not a natural thing to have a row over cards when not only one lady but half a dozen ladies were present.

Evidence for Defendants.

Arthur Stanley Wilson

Why not?—It would not be a gentlemanly thing to do when ladies were present.

Would you if only your mother and sister had been present?—No. I don't think I should even if there had been only one lady present.

You had no thought except of the presence of the ladies?—My brother-in-law is rather hot-tempered—quicker-tempered than I am.

Then you suggest your slow temper is the explanation of your seeing that, and then going on for an hour playing cards?—I have told you I don't think it would have been the right thing to do.

Not to call attention at once?—No, certainly not, when at the table.

Why not?—One does not have a scene over a game of cards when ladies are present.

Have you had so many scenes over card tables that you know what should be done?—No, I have not; but it is only natural.

And you did sit at that table for an hour afterwards?—I did.

Playing and staking your own money on the success of the cards which Sir William Gordon-Cumming was backing?—I did.

By the LORD CHIEF JUSTICE—You do not mean to say that you took winnings which you obtained through the cheating which you allege on the part of Sir William Gordon-Cumming?—Oh, no.

The SOLICITOR-GENERAL—It is not suggested that Sir William Gordon-Cumming manipulated the cards at all so that other people could profit by it.

Sir CHARLES RUSSELL—He alone could profit by it.

By the LORD CHIEF JUSTICE—I thought you stated you played for an hour afterwards, and implied that you had put into your own pockets winnings which you had gained through his cheating. Can such a thing occur?—Oh, no. I did not state that.

The SOLICITOR-GENERAL—I do not suggest that, my lord.

BERKELEY LEVETT, examined by Mr. MATHEWS—I am a lieutenant in the Scots Guards, and am twenty-seven years old. I have known Sir William Gordon-Cumming since 1885. He was lieutenant-colonel when I joined, and for some time after we were in the same battalion. My acquaintance with him ripened into intimacy. That intimacy continued down to the early evening of 8th September of last year. I was one of the party assembled at Tranby Croft that evening. About eleven o'clock some members of the party—I being

The Baccarat Case.

Berkeley Levett

amongst the number—sat down to play baccarat. I had played baccarat fairly often for about five years before, and I was familiar with the game. On the first evening I sat to the left of the dealer and to the right of Mr. Stanley Wilson and Sir William Gordon-Cumming, Sir William Gordon-Cumming being two off. After we had been playing for a short time I remember my attention being called by some one to something.

I should prefer you to tell us the incidents as they occurred in your own way?—Mr. Stanley Wilson turned to me and said, "Good God! This is too hot." I said, "What?" He said, "The man next to me is cheating." I said, "What on earth do you mean? It is perfectly impossible. You must be mistaken." He said, "Very well; look for yourself." I then looked at Sir William Gordon-Cumming.

Can you tell us what it was you saw?—About the second or third coup, after I had been told of this, I saw him add two counters.

In what way?—He had £5 staked on a bit of paper. When the banker declared the coup he added two more £5 counters.

How did he add them?—Out of his hand. He had one hand clasped over the back of the other. When I looked the second time there were three red counters there on the paper.

What had the banker declared?—That our tableau had won.

Against the banker?—Yes.

These counters being there, what was paid?—£15.

Are you quite certain that what you have stated took place?—Absolutely certain—perfectly.

Did you see this continued?—I saw it on one more coup—about three deals after.

Will you tell us the incidents of that coup?—He had £5 staked, and when the banker declared his own cards and our tableau won he added one more counter in the same way as before. It was dropped on to the paper. He was paid £10.

Having seen these two coups, do you remember turning to young Mr. Wilson?—I do. I said, "It is too hot." The game continued for some time after this, but not very long—I should think about half an hour, or a little more. I remember going to my own room that night. Mr. Stanley Wilson went in with me. I flung myself down on the bed, but I cannot remember what I said. We had a conversation which lasted, I should think, about an hour. I was so horrified at what had happened that I cannot remember exactly what the conversation was, but I can remember the gist of it. Mr. Wilson knew I had seen it, and he said that he would have a different table next time.

Evidence for Defendants.

Berkeley Levett

Do you remember making any entreaty to young Mr. Wilson on your own behalf?—Yes. He said, “What are we to do?” I said, “For God’s sake, don’t say anything about it.”

Did you say why?—For the sake of the man and of the regiment. He said he should consult his brother-in-law, Mr. Lycett Green. The next day the party went to the races, and I was amongst them. I did not speak to any one on the subject, to the best of my recollection. Nothing was said in my hearing about watching. The game was played again that Tuesday evening, and I was among the players. I was on the Prince of Wales’s right hand, sitting on the same side of the table as the Prince, but on the opposite tableau of the previous night.

In the course of the play that evening did you look at Sir William Gordon-Cumming’s play?—No; I purposely abstained. I remember Mrs. Lycett Green speaking to me before I left the room that Tuesday. I cannot exactly swear to the words she used, but I think she said, “I saw him too.” The same evening Mr. Lycett Green said something to me on the subject, but I walked away. I cannot remember what he said. I did not go in the same saloon carriage to Doncaster with the Somersets, Mr. Lycett Green, and Mr. Wilson on the Wednesday, but I returned in the same carriage.

Did you hear them discussing what should be done on their return to Tranby Croft?—They said they would consult Lord Coventry. I was asked to join in seeing Lord Coventry, but I asked that my name should be left out in consideration of the awkward position I was in.

Upon returning I believe it is the fact that you did not accompany Mr. Lycett Green and Mr. Stanley Wilson to Lord Coventry’s room?—It is; nor did I accompany them to the subsequent interview they had with Lord Coventry and General Owen Williams. As far as I remember, young Mr. Wilson spoke to me before dinner that evening and told me that Lord Coventry and General Williams had been told of it. I remember going to the billiard room after dinner with General Owen Williams, Lord Coventry, Lord Edward Somerset, Captain Somerset, Mr. Lycett Green, and Mr. Stanley Wilson. Shortly after that we all went into a room where the Prince of Wales was.

In your hearing did Mr. Lycett Green first make a statement to the Prince of Wales?—I think he did.

Did the Prince of Wales then put any questions to you?—I cannot remember.

Did Mr. Stanley Wilson speak at all?—I dare say he did, but I don’t remember.

The Baccarat Case.

Berkeley Levett

Do you remember the Prince of Wales turning to you?—His Royal Highness said to me, “I believe, Mr. Levett, you too saw it?” I said that I was in the same regiment, and that I wished to be left out of the matter. After that I went to the smoking room. I do not remember anything more transpiring that evening. I signed the undertaking the next morning.

By the LORD CHIEF JUSTICE—Was the signing the first intimation you had of the document?—No, my lord; I had heard something about it before.

Examination continued—When, to the best of your memory, was it that you first heard anything about the document?—As far as I can remember, it was after we had all been in to His Royal Highness.

By the LORD CHIEF JUSTICE—I did not quite gather when you first heard and what you first heard about the document?—As far as I can remember, there was something said about the document in the Prince’s room.

When was it you first knew that Sir William Gordon-Cumming had signed a document, and that a number of gentlemen, including the Prince, had also signed it, pledging themselves to secrecy?—I cannot remember.

You must have heard about it?—Probably Lord Coventry told me the morning I signed it.

How was the previous evening spent?—As far as I can remember, when we went back to the room where the ladies were we played some round game.

Examination continued—On the morning of the 11th Lord Coventry brought me a document and I signed it. I faithfully kept the undertaking which I then entered into. After the party broke up I did not see or hear anything more about the matter until Sunday, 25th January, of this year.

Upon the day when you were at the Bachelors’ Club do you remember receiving a letter from Sir William Gordon-Cumming?—I do. The letter has been destroyed, but he asked me whether I could meet him. I answered it, saying that I would see him at his London residence at 5.30 that day. I went there that afternoon, and I saw him in a small sitting room leading out of another room.

What passed between you?—When I got inside he said, “I suppose you know what I want to talk to you about? It’s all over the place.” I concluded what he meant. He said, “What do you propose to do?” I said, “What is there to do?” He said, “Could not you say you were mistaken? I do not ask you to withdraw, but could not you say you were mistaken?” I said, “I would say I was mistaken for your sake, and for the sake of the regiment,



Mr. Punch's "Tableau." Society in Court.

By courtesy of Punch.

Evidence for Defendants.

Berkaley Levett

but I know there is one man who will not." He then said, "You surely cannot believe this of me." I said, "I must believe my eyes." He said, "What do you think you saw?" I said, "I saw you adding counters." He then asked me to go and see Mrs. Wilson, to see what could be done. I said I would, and that I would telegraph to Stanley Wilson in Yorkshire. That is all that took place.

You spoke of one man doing something. Did you mention the name?—Yes; Mr. Lycett Green. As well as saying that I would see Mrs. Wilson and would communicate with Mr. Stanley Wilson, I also said I should ask Lord Coventry's advice. Sir William Gordon-Cumming said, "What do you want to ask Lord Coventry for?" I said, "Because he is the man whose advice I would like to have." When I went out of the inner room I put my hand to the door, which did not open, and said, "Oh, which is the way out?"

By the LORD CHIEF JUSTICE—Was any arrangement made as to your seeing him again?—No. As I was going out he said, "Do all you can for me."

Examination continued—What was the condition of the door?—Sir William Gordon-Cumming said, "Oh, I am very sorry," and he unlocked the door. He added, "I did not wish the servants to hear."

You are quite certain that the door was locked?—I did not notice it before he turned the key. I have no doubt it was locked.

You have told us as nearly as you remember what passed at that interview. Can you say whether this occurred (referring to a printed report): when Sir William said to you you must have been mistaken in saying you saw anything, did he say, "What, for heaven's sake, did you see?" And to that did you reply, "I thought I saw something"?—No.

Did he then ask you what, and did you hesitate and say, "I don't quite know"?—No, not to my memory.

Did he say, "Here you are, a friend and a brother officer of mine; will you go to Mrs. Wilson and tell her you have seen me, and see if anything can be done in the matter"?—Yes, he did say that.

Is it correct that he said, "When you heard I was to be watched on the Tuesday night, didn't you think of doing something friendly to me in the matter"?—He did say, "Did it never enter your head to warn me?"

In that interview, to the best of your recollection, was anything said about watching at all?—No.

Did you say that you knew nothing about the matter until you were going to the races on the Tuesday, when it was discussed in the train?—It is perfectly untrue. Having left Sir William Gordon-Cumming, I went to Mrs. Arthur

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Berkeley Levett

Wilson, and having seen her I telegraphed to young Mr. Wilson.

The next morning, the 26th, did you have a letter from Sir William Gordon-Cumming?—I received one on the Sunday night. I have destroyed that letter. I did not answer it. It did not require an answer.

By the LORD CHIEF JUSTICE—It was rather a long letter, reminding me of the importance of the interview, and begging me to do all I could.

Examination continued—On the next day you were on guard at St. James's Palace, and you had an interview with young Mr. Wilson?—Yes; I got a letter on the Tuesday morning by hand from Sir William, saying he was surprised he had heard nothing about my interview with young Mr. Wilson. I sent a reply by hand, about 12 or 12.30, when I came off guard, and I gave him to understand that there was nothing to be done. On the next day, the 28th, I received a letter from Messrs. Wontner, of the 27th. In the course of the day I met Sir William Gordon-Cumming in Piccadilly. He said, "I have received your letter in which you say there is nothing to be done," and I replied, "I have received a communication from your solicitor this morning." He said, "Oh, yes, that need not be gone on with." He afterwards said, "Why are you all so dreadfully *acharné* against me?" I replied, "*Acharné* has nothing to do with the matter."

Did you mention Lord Coventry's name?—I said I had sent Messrs. Wontner's letter to Lord Coventry.

On the 27th did you receive a letter from Sir William?—I cannot say whether it was on the Tuesday. I destroyed that letter. As far as I remember, the contents were that as there was nothing to be done he must carry it to the bitter end in a Court of law, and it went on to say that he was only too sorry I had had anything to do with it.

Cross-examined by the SOLICITOR-GENERAL—As I understand, you saw nothing whatever of foul play on the second night?—I did not.

Whose friend were you at Tranby Croft?—The friend of the family. I had been intimate with them more than a year and a half then. It is more now.

Had you stayed at Tranby Croft before?—I had. I was not there in 1889. I never had played baccarat there before. I had known Mr. Arthur S. Wilson for more than four years. I had not known him before I went into the army. During the past four years I had seen a good deal of him.

Do I understand you to say you were the intimate friend of Sir William Gordon-Cumming?—As far as I could be intimate—as a subaltern with his colonel.

Evidence for Defendants.

Berkeley Levett

Did you visit at his house?—No; he is not intimate with my family. I met him at mess and regimental dinners, and so on.

And from all you had seen of him you liked him very much?—Yes.

Were you on the first evening—that is, the Monday evening—playing baccarat according to any system?—No.

Now, I understand you to say that it was not with regard to the first coup that your attention was called to the plaintiff on the first night. It was two or three coups after your attention had been called?—Yes.

And then you noticed a sheet of paper was lying upon the table with the one red counter upon it?—Yes.

And this was upon the whist table?—Yes.

Were there other sheets of paper on the whist table?—There may have been. I don't remember.

Do you remember who were the persons playing there? I mean in that tableau? There were, I think, Mrs. Arthur Wilson, yourself, Lord Edward Somerset, Sir William Gordon-Cumming, and I think Captain Somerset?—I am not sure about Captain Somerset.

The others you remember?—Yes.

You cannot say whether any of these were playing with their stakes placed on white paper?—I don't remember.

We have had from Mr. Stanley Wilson the account of the system of staking one counter, and then, after winning on that, receiving a counter from the croupier, and adding another one in order to make the stake for the next coup. You have heard that explanation and followed it?—Yes.

How much had Sir William staked on the coup before that which you described, and how much did he stake on the coup afterwards?—Which coup? Do you mean the one after the coup which I described?

Yes?—I cannot say.

So that, putting aside for the moment whether he had done anything improper, you cannot tell us whether at that time he was playing on the system described by Mr. Wilson yesterday?—No.

The LORD CHIEF JUSTICE—On what principle or system would that be?

The SOLICITOR-GENERAL—That which was described by Mr. Stanley Wilson was when you have taken up a counter of £5, the next stake will be £15, and the next £30, if you follow the three coups.

Cross-examination continued—At the time you saw what you have described you repeated that you had made up your mind it was done dishonestly?—I had been told he was cheating.

Did what you saw and that which you have described make

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Berkeley Levett

you come to the conclusion that it was dishonestly done and not an accident?—It was that which I described. It was not an accident.

Answer my question?—It was not an accident.

Very well. There was nothing except the fact you had been told by Mr. Wilson that the plaintiff was cheating, which would have led you to the conclusion that it was dishonesty, and not an accident?—Only that.

I am not suggesting it was an accident at all. What I suggest is that you are sitting at a table playing cards with a gentleman you like very much, and have reason to consider to be a perfectly honourable man, incapable of this conduct. You see something happening—something done, or believe that something was done. Do you mean to say you would jump at once to the conclusion that the man was intentionally cheating his friends at cards?—It all depends on what you saw done.

And what you saw was one £5 counter upon that paper before the coup was declared, and two £5 counters besides on the card table after it?—I did.

Who was paying money at that time?—His Royal Highness.

Then you say you saw the money pass?—I saw the three £5 counters paid.

Do you swear that?—I cannot swear to it.

According to your recollection the stake which had to be paid by His Royal Highness would be £5?—Yes; it would be £5.

You were sitting between His Royal Highness and Sir William, and so the money would be handed past you?—Across me.

Why did you not say to His Royal Highness, "That is a mistake. That is not the right amount. It is a £5 stake"?—It never entered my head.

And whether the plaintiff's next stake was £30 or not you cannot tell me?—No.

You were startled and shocked by this?—I was.

Did it rivet your attention upon Sir William immediately afterwards?—I was watching him.

But you cannot tell me whether he left the whole stake on the table for the next coup or not?—I cannot.

Now, as to the second instance you say you saw, how long afterwards was that?—About three coups, so far as I can remember.

Who was handling the cards?—I don't know.

You don't know whether Sir William was handling the cards or not?—No.

He might have been handling the cards?—I do not say that. I simply cannot remember.

Evidence for Defendants.

Berkeley Levett

By the LORD CHIEF JUSTICE—He might have been handling them himself?—All I say is, I can't recollect. I don't remember his handling them. If he did he could not have done it.

Cross-examination continued—I understand you to say in handling the cards he could not have done what was described?—I do not see how he possibly could have done it. I was sitting near to the plaintiff and probably should be interested in the number on his cards—my money would be dependent upon them.

Would you in the ordinary course of things look to see the point?—When he declared it.

When he held up his cards?—No.

Is it not usual for the other players near to look over?—Certainly you may. You may do what you like.

Do you generally look over the point?—No; I do not.

But suppose this to be happening. He takes up the card in his hand; you would have been in the position to see if you had chosen?—No; not from the position in which I was.

Because you were sitting at the corner of the table?—Yes.

Now, then, if you please, at that time was he or was he not sitting with his hands forward?—He was sitting with his hands forward.

Over the paper?—Yes.

And partially concealing it, of course?—Yes.

So you could not see what might be on the paper until he took his hands away?—I saw a £5 counter on the paper.

There might have been in his hands some counters which you could not see?—No; I do not think there might have been, because his hands were down on the paper. [Witness showed how the hands were slightly raised from the paper.]

You have said you could see all the counters that were there?—I could see all the counters that were there.

That would apply to any persons who were looking at him from another direction?—Certainly.

So that the paper would be partially concealed only from the person who happened to be sitting next him?—Yes. We played another half-hour and then went away. I was presently joined by Mr. Arthur Wilson. He told me about the different table for the next night. He did not tell me that he was going to speak to his mother about the matter. Mr. Wilson, sen., was then in the house.

Did you suggest that he should consult his father?—No.

Did you know at that time his father had disapproved of baccarat being played at Tranby Croft?—No.

When did you first hear that?—Afterwards I heard it.

That evening?—No.

When?—I cannot remember.

The Baccarat Case.

Berkeley Levett

The next day?—I do not know.

Do you mean to swear it was not mentioned by Mr. Arthur Wilson when this matter was being discussed?—I cannot remember.

Will you undertake to say he did not mention that to you?—I would not undertake to say. No, I cannot remember.

Do you say your memory is perfectly clear with regard to the incidents of these different evenings?—Yes.

There was late dinner every night, a pleasant party, and great hospitality?—Yes.

Were the party smoking and drinking while the baccarat went on?—I think so.

The LORD CHIEF JUSTICE—Do you suggest that the hospitality was a disturbing hospitality?

The SOLICITOR-GENERAL—I think that is the inference that will probably be drawn. I cannot imagine it is any use to ask the witness any more on that point.

Cross-examination continued—On Tuesday evening you sat down at the table believing that Sir William Gordon-Cumming had cheated the night before?—I did.

And knowing that the table had been prepared in order to make cheating impossible?—Yes.

And knowing that other persons sitting close by you were cognisant of the accusation against Sir William Gordon-Cumming?—Yes.

You played at baccarat an hour and a half that night?—Yes.

Do you suggest that, sitting immediately opposite Sir William, and knowing these matters, you carefully kept your eyes from his play that evening?—I do not suggest. I deliberately say I did not look at him.

You deliberately kept your eyes from where he was playing?—Yes, I did.

Did you tell His Royal Highness that on the evening of the 10th?—I do not remember.

On that evening did anything pass between His Royal Highness and you except the question, "I believe, Mr. Levett, you also saw this cheating"? and your answer was "He has been my commanding officer"?—Yes. That was the question and the answer.

You understood the Prince to allude to the cheating referred to by Mr. Lycett Green?—I did.

At that time you had heard Mr. Lycett Green make the statement as to what he had seen, in the first place before General Williams, and in the second place before His Royal Highness?—I do not remember him making a statement before we went to the Prince.

Evidence for Defendants.

Berkeley Levett

By the LORD CHIEF JUSTICE—When you were before the Prince you heard Mr. Green make some statement?—I do not remember what he said. He said something.

Cross-examination continued—Did you or did you not hear the statement which Mr. Lycett Green gave of the circumstances of the case?—I cannot recollect it.

You are unable to say whether or not Mr. Lycett Green made a statement?—He did say something, but I cannot recollect what it was.

He did, then, make a statement in your presence?—Yes.

You are unable to say whether the account contained in the précis is a correct one of the statement made by Mr. Lycett Green?—No.

You have told us that, when talking to Sir William Gordon-Cumming, on 25th January, at Harriet Street, you said to him, “I would say that I was mistaken for your sake, and for the sake of the regiment, but there is one man who would not.” You have told us that that man was Mr. Lycett Green?—Yes.

How did you know that Mr. Lycett Green would not?—Because I knew what sort of a man he was.

You had not been talking to him about it?—No.

You remember hearing at the time of the occurrence at Tranby Croft, and before that ultimatum was signed, that Mr. Lycett Green thought, unless he had got something signed by Sir William Gordon-Cumming, Sir William would bring an action against them?—Yes, he said that before the Prince of Wales.

LYCETT GREEN, examined by Mr. ASQUITH—I am the son of Sir Edward Green, M.P. for Wakefield. About six years ago I married one of the daughters of Mr. and Mrs. Arthur Wilson. I am a master of the hounds, and live at York. My age is thirty-one. I was one of the party at Tranby Croft in September of last year. My wife was also one of the party. I was in the room while baccarat was being played on Monday, the 8th. To the best of my recollection, I did not play, but I might have staked a counter or two. I went to bed early, as I had been out cub-hunting in the morning. On the following morning, the 9th, my brother-in-law, Mr. Arthur Stanley Wilson, came to me, and we went out for a walk together. He asked me if I would come out, as he wished to speak to me. In the carriage drive he said, “An awful thing has happened. Sir William Gordon-Cumming was cheating at cards last night.” I said, “This is impossible, you must have been mistaken.” He said, “I have no doubt. I am sure there is no doubt.” He also said,

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Lycett Green

"Berkeley Levett has seen it." Then I said, "What are you going to do?" He said, "I have arranged to have a table made so that he cannot do it (or he might have said, 'It will be impossible for him to do it') to-night." I do not think we talked much more. I told my wife about it that day, before the evening's play. On the evening of the 9th the game was played again.

Had there been any agreement made between you as to watching Sir William Gordon-Cumming?—Decidedly not. Our object was to prevent it. There was no agreement between my wife and me. I saw Sir William Gordon-Cumming take his seat at the table that night. He sat between Lady Coventry and Mrs. Lycett Green, who had taken their places previously. I sat immediately on the left of Mr. Arthur Stanley Wilson. There had been no pre-arrangement between us as to where we should sit.

I want you now to tell us what you noticed, if anything, as to the plaintiff's play?—The first thing that drew my attention to Sir William Gordon-Cumming was the way in which he leaned over the table with his hands close together over the chalk line. I cannot say whether his hands were like this [illustrating the position], but they were together. That aroused my suspicion, associated with what my brother-in-law had told me, and I naturally watched him. I saw him push a blue counter over the line with his hands after the cards had been declared favourable to him. On the next occasion I saw Lady Coventry holding the cards. She did not take a card, and Sir William Gordon-Cumming was looking over her hand. She was making no effort to conceal her hand. I then saw him first of all look round to see if any one was looking, and he gradually got up a counter like that [illustrating the movement], covering it with his hands close to the line. When the stakes were paid Sir William Gordon-Cumming said, "There is £10 more to come here," and I think His Royal Highness said to General Williams, "Owen, give him another tenner," or something to that effect. He was paid that stake, making altogether £15 that he was paid.

You have no doubt that the counter was pushed over the line after the card was seen to be favourable?—I have no doubt of it.

When you saw this what did you do?—At first I was horrified. I cannot precisely express my feeling. My first impulse was, I must say, to jump up and expose him, and say, "Sir William Gordon-Cumming, you are cheating at cards," but I did not do so. On second thoughts I felt it would be a horrible thing in the presence of ladies and His

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Royal Highness to jump up and make a scene; therefore I got up from the table and left the room. I went into the next room, the smoking room, and wrote a note to my mother-in-law, Mrs. Wilson. The butler, I think, then came in, and I asked him to take the note in quietly and hand it to Mrs. Wilson. The note has been destroyed. I believe I said in it, "I have distinctly seen Sir William Gordon-Cumming cheating at cards." As far as I can remember, I said that something ought to be done to stop the game, or words to that effect. I went back to the room and took my seat at the table again. I would be away about two minutes, I think, but I cannot say precisely. After I came back I continued to take part in the game. The next morning I went to Doncaster to the races.

Were you in the same carriage with Mr. Arthur Stanley Wilson and the two Somersets?—I cannot recollect that Captain Arthur Somerset was in the carriage. Lord Edward Somerset was in the carriage, and I spoke to him about what I had seen the night before. I consulted him as to the course I ought to take. He asked to be allowed to consult Captain Arthur Somerset. I don't know whether it was at that time, or whether it was later in the day, but, at all events, in the course of the day he told me it would be better to consult Lord Coventry. On our return from the races I went and saw Lord Coventry. I cannot recollect whether I went by myself, but I rather fancy I did, and that I was joined shortly afterwards by my brother-in-law, Mr. Wilson, and Captain Arthur Somerset. We told Lord Coventry that several of us had seen Sir William Gordon-Cumming cheating at cards, and he made an expression of surprise or doubt. He asked leave to go to General Owen Williams and bring him in to be consulted. He went and brought him in.

Then when General Owen Williams and Lord Coventry were both there what did you tell them?—I acted as spokesman, and told them we had seen Sir William Gordon-Cumming cheating at cards. I impressed upon them that there was not the slightest doubt about it, that we were ready to be confronted with anybody as to the statements we made, and to be confronted, if it was thought desirable, with Sir William Gordon-Cumming. Having seen these things on the evening of the 9th, after the play I told my wife what I had seen. She told me she had seen one of the incidents I have described and some more, but I cannot remember precisely what she told me. At the interview with General Owen Williams and Lord Coventry I mentioned my wife's name. I also mentioned my mother-in-law's name, and said they were prepared to come forward and state what they had seen,

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if necessary. That was before dinner. After dinner I remember being brought into the presence of the Prince of Wales. There were also present Lord Edward Somerset, Captain Arthur Somerset, Lord Coventry, General Owen Williams, Mr. Levett, and my brother-in-law. I do not remember that there were any others. I cannot recollect whether I made a formal statement to the Prince, but I know that we were individually asked what were the cases of cheating. I am not sure whether it was by the Prince of Wales. When I was asked I stated the cases of cheating, but I cannot recollect exactly what I did say, it is so long ago.

Do you remember whether the Prince of Wales put a question to Mr. Berkeley Levett?—I remember something about Mr. Levett saying to the Prince that he was in Sir William Gordon-Cumming's regiment, and that he did not like to speak. I cannot remember who asked him, but some remark was made. I cannot remember whether it was by the Prince or not.

By the LORD CHIEF JUSTICE—What did Mr. Levett say?—He told him that he had seen cheating.

Examination continued—Questions were also put to my brother-in-law, Mr. Stanley Wilson, and he answered them.

Do you remember the subject being mooted of the signing of what we have called the undertaking?—I do not remember the document being there, but I remember something of the sort being said. During the interview I said that if there was any doubt in the matter I should ask to be confronted with Sir William Gordon-Cumming. I cannot recollect whether anything further was said upon that. As a matter of fact, I was never brought into the presence of Sir William Gordon-Cumming. Later on in the evening the document which has just been referred to was produced to me by, I think, General Owen Williams, but I am not sure. I was asked to sign it. I read the document over, and I objected to the document, because I said that at some time Sir William Gordon-Cumming, when some witness might be dead or away in a distant land, might turn round on us and take proceedings against us when we were not in the position to meet him that we were then. When I made the objection General Owen Williams, I think, said that the signing of the document would be an admission of the plaintiff's guilt. I signed it soon afterwards. Since I signed the document, and until these proceedings were taken, I never spoke to any human being of what I had seen or heard on the evening of 9th September.

Cross-examined by Mr. C. F. GILL—And I suppose you at once dismissed it from your mind?—I could hardly do that.

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As much as you could?—Yes.

When this matter happened, did you make any kind of note or record of it?—No, I did not.

No memorandum of any sort or kind?—Certainly not.

So that what you are telling us to-day is entirely from memory on your part?—Yes.

It never occurred to you to make any memorandum?—I considered the matter was at an end.

What is your occupation?—I am a master of hounds.

From September, what was the next time that the matter was brought to your attention?—I can hardly say, but it was when rumours were being circulated about it.

Can you give me any date?—No.

Did you know that a record had been kept of what occurred that night?—No, I did not.

When did you first know?—When I came to this Court I had never seen the document nor heard what its contents were.

Do you mean to tell me that your solicitor, Mr. Lewis, never informed you that such a record had been kept?—I think he said something of the sort, but he never told me what there was in it.

Never told you what there was in it, nor by whom it was made, and in whose custody it was kept?—No.

And you made no inquiry into the matter?—I did not.

Did you learn from any of the co-defendants that a record had been kept?—No.

Nor who had made it?—No.

Then I suppose you did not know that it had been submitted to the Prince of Wales to see if it agreed with his recollection of the statements made by you?—No.

Nor to Lord Coventry with the same view?—No.

For some purpose or other you either constituted yourself the leading person in this matter, or you were selected?—I am older than my brother-in-law. I don't know that I was selected, or anything of the sort.

Now, you have heard more than once in this case of the document that has been read out. You have heard it put to General Owen Williams as to whether it was an accurate account, as well as he could say, of your statements?—I have heard that, but I cannot remember what was in it.

You cannot? Do you know that, according to it, your statement to His Royal Highness was that Sir William Gordon-Cumming had systematically placed a larger stake on the table after the card had been declared in his favour?—I cannot remember the exact words I used, but I do not think I used the word "systematically." I will not absolutely swear.

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And did you say that when the card was against him he frequently withdrew a portion of his stake?—I did not say so. Certainly not.

Do you remember going into the presence of the Prince of Wales and making a statement there?—I remember going there, but I cannot remember exactly the statement I made.

To whom, if to anybody, did you make the statement that Sir William Gordon-Cumming “systematically” placed a higher stake on the table when the card was favourable to him?—I do not recollect making the statement that he “systematically” did so.

Then, as to the other part of the statement that when the cards were against him he repeatedly withdrew a portion of his stake?—I did not say anything about the withdrawing of the stake.

Did you say to Lord Coventry what I have quoted about a higher stake being systematically placed on the table?—I have said that I cannot exactly recollect.

Did you say to him anything about Sir William frequently withdrawing a portion of his stake?—I have said just now that I did not say so.

Did you use this phrase to General Owen Williams?—No; nor to anybody else.

Did any person in your presence make that statement?—Not to my recollection.

When did you first know that it was alleged that you and your mother-in-law and your wife and Mr. Arthur Stanley Wilson had agreed together to watch Sir William Gordon-Cumming?—The first idea I had of it was from what I saw in the public prints.

You have noticed that in the statement which purports to be an account of what took place, it is said that on Mr. Lycett Green and Mr. Levett having also been made acquainted with the facts, it was agreed to watch the play?—There was no agreement of the kind.

Can you tell me how General Owen Williams came to make that statement?—

Mr. ASQUITH—Is that admissible?

The LORD CHIEF JUSTICE—Certainly not. If you want to cross-examine General Williams, call him back and do it, but you cannot ask the witness how General Williams came to do anything. You have first to show that General Williams was correct in his statement, and you have no right to cross-examine this gentleman about what somebody else has stated he said.

Cross-examination continued—Did you agree to watch?—Certainly not.

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Did you tell General Owen Williams that you had agreed to watch?—No.

Lord Coventry?—No.

Or the Prince of Wales?—I did not.

Did you tell General Owen Williams or Lord Coventry that on the second night Sir William Gordon-Cumming had been guilty of the "same practices"?—I have no recollection of using those words, but that he had been guilty of cheating.

You say that there was no agreement to watch?—No.

Do you think it would have been an objectionable thing to do?—To agree to watch? That depends on circumstances.

Was the question of watching never discussed?—No.

For what purpose were Mrs. Wilson and your wife told unless for the purpose of watching?—I told Mrs. Lycett Green because I had no secrets from my wife. I did not tell Mrs. Wilson.

Did you expect that your wife would watch?—Certainly not.

Did you intend to watch yourself?—No.

Then do I understand you to allege you saw by accident?—Naturally, knowing that the man cheated, I looked, but not with a view to watching.

Is it a fact that you knew he had cheated?—My brother-in-law told me, and I had no reason to doubt his word.

Then your state of mind when you sat down at the table was that you did not intend to watch, but you knew he had cheated?—Certainly when I sat down I had no intention of watching.

Now, have you any knowledge of the game of baccarat?—I know it well enough to play.

You know more about it now than you did then?—Yes.

Tell me, with regard to the table, who were playing at this time. Did you know them all personally before this?—No.

Had you ever played with the Prince before?—No.

Had you often played before?—I cannot say how often. If I told you it would be guesswork.

You knew that there were people playing there who were thoroughly conversant with the game?—I knew the people who were playing must know baccarat. I did not know that some of the people were thoroughly conversant with the game. I cannot say I knew that among the players were people who had continually played together.

Did you know that baccarat was to be played at Tranby Croft on the 9th?—I knew when the game was started, but not till then.

The counters you had never seen?—No. They were produced there for the first time; at least, I had never seen them before. I did not examine these counters carefully.

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I saw the different denominations, and that there were figures upon them.

Did you notice the play on the first night?—No. Nor did I notice what kind of play it was on the second night.

Do you know whether in baccarat it is the practice of the banker to say what the stakes are?—No.

I suppose baccarat is played at Tranby Croft as at any other place. There is nothing special about the play?—It is not played habitually at Tranby Croft.

Was it played there the same way as it is played anywhere else?—I saw no variation that I know of.

You are speaking about men cheating at cards. I want to learn what you know about it. Is it the practice to say what the stakes are?—I do not know. I have not had the bank myself.

Is your answer that you do not know enough of baccarat to say whether the banker does in fact say what the stakes are?—The man who is playing would naturally look what the stakes are. I do not know that there is any absolute rule.

Did you see who was playing highest?—I cannot say that I did.

On the second night will you tell us how many people staked as much as £10, £15, or £20?—I cannot do so.

If the banker looked at any stake it would be the stake of the person playing rather high?—I can only speak for myself. I do not know what he would do.

You cannot answer that question?—No.

Did Mr. Stanley Wilson say he would stake his life that Sir William had cheated?—He said he had no doubt.

Did he tell you he would stake his life upon it?—I cannot say if he used those exact words.

He has told us that he did?—Well, I cannot recollect.

Do you remember this story of three £5 counters being put upon the white sheet of paper?—No.

You do not remember being told that?—No.

Was that the idea that was conveyed to your mind—that the stake had been trebled?—I have no recollection at all. I cannot remember.

Do you understand what I am asking you? You have no recollection of what the character of the cheating was?—I do not understand the question.

Have you any recollection of a specific case of cheating which your brother-in-law alleged Sir William Gordon-Cumming had committed?—When I sat down the second time?

Yes?—No, I cannot say.

You had no recollection, and you did not ask him?—What he had done?

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Yes?—I will not say I did not, but I have no recollection.

Do you remember his telling you he would stake his life upon it?—No. I have no recollection.

You don't recollect?—I don't recollect that at all. He may have.

Do I understand that you do not recollect what the cheating was that was alleged?—No.

You thought it was a very serious thing to charge a man with cheating?—I think so.

I suppose you would hesitate, having some knowledge of the game yourself. Would you not ask some questions?—As to the cheating?

As to what happened with regard to the play at the game of baccarat?—If you saw a man, as soon as he had seen his card, increase his stake, you must know he is cheating.

Would it not be proper also to observe the banker, and, at the same time, to observe the croupier?—[The answer was inaudible.]

Do you understand what the business of the croupier is?—He pays the stakes on one side or the other.

Does he, before the cards are dealt, ascertain what the stakes are?—I think he looks round.

Do you know whether, in fact, he does ascertain what the stake is at each side of the table?—I do not.

Do you not know that the banker is influenced upon the question whether he will stand or take another card by the stake on either side?—[The answer was inaudible.]

Do you know that it is of the greatest importance that he should know?—I can see when you point it out that he might want to know what was on each side if there was a heavy stake.

At the commencement of this innocent game of baccarat the majority of the stakes were small ones?—Yes.

Was £10 a large stake?—Well, I cannot say whether it was a large stake or a small one. In some cases it might have been large and in some cases small.

What was the average stake?—I cannot tell.

Do you remember upon that night the question of what the amount on each side of the table was being discussed?—No.

Do you remember the Prince of Wales saying, "There is more money on the one side than the other"?—I have no distinct recollection about it.

You admit it would be a most natural thing to ascertain what the stakes were before the banker took another card?—He might go for both sides.

That is the kind of thing he would make up his mind upon, is it not?—I cannot tell you at all.

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Did you mention to Lord Coventry, or General Owen Williams, or the Prince of Wales, that you knew very little indeed about the game?—I have no recollection.

Would it not have some bearing on the subject, in your opinion, the fact of your being entirely ignorant of the game? Would not that influence your mind as to whether you were really able to form an opinion?—I have no doubt there was cheating.

Of course! Did you undertake, when you made the accusation, that the people would swear to it?—Everybody was ready to come forward.

Did you undertake that they would swear to it?—I cannot say that I used the word "swear," but I said they would come forward.

Will you swear you did not use that expression?—I will not.

Well, then, had you asked them the question, and did they authorise you to state that they would swear to the matter?—They had no doubt in their own minds.

Lord Edward Somerset, Captain Arthur Somerset, the Prince of Wales, and more of the people who were there, thoroughly understood the game. Is that not so?—I believe they had played before.

Is it within your knowledge that the people we speak of had played the game continually?—I cannot tell what other people have done.

Do you know as a fact whether Sir William Gordon-Cumming had played it frequently with the people he was playing with that night, and had played frequently with His Royal Highness?—I do not know.

Do you not know that the people who were there that night had frequently played before, when very large stakes were being played for?—Do you mean the people who were there that night?

I mean Sir William Gordon-Cumming, the Prince of Wales, and Mr. Tyrwhitt-Wilson?—I do not know.

What was to prevent these people seeing what you say you saw?—I do not know.

You did not say that they knew a great deal more about the game than you did?—Perhaps they did.

Have you any doubt about it?—I cannot tell, as I had never played with them before.

Is your answer that you suppose you knew as much about it as they did?—No.

Did you ever hear of any person playing at baccarat upon a system?—I cannot say.

Did you ever hear of what has been described as the *masse en avant*? Have you ever heard of a man putting down a

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counter—it may be for £5 or £10—and if that wins adding to that?—No.

When he puts a counter down and wins he leaves that counter down and puts on another?—I never heard of that. I have heard of leaving the money down.

But you never heard of such a system as that described as leaving the money down and when that is won adding to it?—No. It is novel to me.

You hear of it for the first time in this Court?—I have no recollection of it. If I had been playing on such a system, of course, I would have known of it.

Do you say Sir William Gordon-Cumming sat where he was quite accidentally?—I beg your pardon?

Was it quite accidental that the whole family were close to him?—I was not.

Your wife was next him. Where were you?—Next but one.

Mr. Arthur Wilson?—Next.

Was it quite accidental you all sat so close to him as that?—Quite accidental.

Mrs. Wilson was within a foot or two of where he was?—Yes.

The table was a very narrow one?—Yes.

Would not the person opposite have a better or as good an opportunity of seeing him as you had?—I cannot say as to that.

I understand you were perfectly horrified at what you saw?—I was.

Greatly excited?—I was rather distressed.

Was it horrified, distressed, or excited, or all together?—I cannot exactly express my feelings.

Upon this particular day you had been at the races all day entertaining a party there?—I was there with the house party.

Were you assisting to entertain a party there?—Yes.

Of course, I don't know what people in society do at races, but other people lunch on these occasions?—Yes, we lunched.

The lunch went on all the afternoon, I suppose?—No, and if you insinuate I was drunk I was not.

We have heard of the profuse hospitality of the Wilsons, and I presume they were entertaining everybody at the races?—Oh, not anybody that liked to come.

About what time did you get back from the races?—Somewhere about six or half-past six o'clock.

At what time did you dine?—I cannot say exactly. The dinner hour was a movable hour.

It was a movable feast. Did you play baccarat almost immediately after dinner?—After dinner, when?

On the second day of the races?—No.

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How soon afterwards?—I cannot tell you.

Can you not give me some idea?—It is very difficult for me to specify.

Will you give me any idea when you finished dinner?—It would be about half-past ten or eleven o'clock. It would be half an hour or perhaps a bit more after dinner before we began play.

Can you tell me how many people actually played on the second night?—I should say about fourteen or fifteen played; perhaps more.

All sitting down?—I cannot say.

Was there room for them all to sit down?—There were people in the room who were standing up. They were people who were not playing.

Had you played standing up the night before?—No, I don't think so.

Did you notice whether Sir William Gordon-Cumming was keeping a tableau?—No.

Did you at that time know what I mean by that?—I cannot say. My idea is that it is putting down whether the set you are playing with wins, or the bank wins.

Did you understand that point that night?—I have seen the putting down on a piece of paper which set wins.

Did you see whether Sir William Gordon-Cumming did that?—I do not recollect whether he did or not.

Can you say whether he had a pencil in his hand?—I cannot say.

Can you say whether he had a sheet of paper?—No, I cannot be certain.

Do you know whether he was smoking or not?—I do not.

Do you know whether he had a tumbler in front of him or not?—No.

Do I understand that from first to last you cannot tell me whether he had a sheet of paper and a pencil?—I cannot say.

You did not observe him sufficiently well to notice that?—I cannot say.

The people were smoking, I suppose?—I dare say they were.

Were all the men smoking?—I cannot tell that; it is so long ago.

Was it possible to put your arms on the table without going as far as the line on the table?—I don't know what you mean.

We have heard that it was a very narrow table, and we have been told that the Prince of Wales had put some chalk lines upon it. Was it possible to put your arms upon the

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table without touching the line?—Certainly, I should think so.

Was there anything to put the counters in by each player?—I have no recollection.

How long do you think you were in the room before you got up and went out?—It is difficult to say; I should think about half an hour.

You were out of the room about two or three minutes?—I cannot say.

We were told yesterday you left the room horrified at what you had seen and took no further part in the play for three or four minutes?—I went out of the room for a few minutes, and then came back and played.

Did you watch Sir William Gordon-Cumming then?—I did not.

Did you carefully avoid watching?—I absolutely did not do it.

It did not occur to you to speak to Mr. Arthur Wilson or to General Owen Williams about this matter, or even to the master of the house?—What do you mean?

Upon that night we are speaking of?—I did not.

Could you have seen the master of the house if you wished?—Yes.

But you made no communication to him?—No.

When did you next see the counters after that night?—I saw them in Court.

What amount of counters did you get the second night?—£10.

How much had you at the end of the play?—I cannot recollect—say about £3 or £4.

Were the cards dealt quickly?—Sometimes they were dealt quicker than others.

Upon that night did they appear to you to go quickly?—I never took any notice of that.

Did you watch any one else's staking except Sir William Gordon-Cumming's?—I cannot say. I must have seen others stake.

You knew some months ago you would be asked to specify what the acts of cheating were?—Yes; when proceedings were taken.

You knew months ago it would be necessary that the whole of the family would have to specify distinctly what the special acts of cheating were?—I knew proceedings were being taken against us, and we would have to appear in Court.

Did your solicitor tell you you would have to be prepared to say definitely what it was you alleged Sir William Gordon-

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Cumming did?—I was told I would have to state it to the best of my recollection.

Is this your account of the matter? Having been asked what were the acts of cheating, you say “that upon two separate occasions you saw Sir William Gordon-Cumming add to his stake when the cards were in his favour”?—I do not understand.

I dare say you all discussed together about your answers?—What do you mean? That we made them up, do you mean?

You seem to me—but I will not make any comment. Did you discuss together about these answers?—Yes; we talked the matter over.

And you said what your answer would be. Did you say, for instance, to your wife that “I shall answer so and so”?—I told her to the best of my recollection what I had seen.

You knew, the four of you—your mother-in-law, your wife, your brother-in-law, and yourself—that certain questions were to be asked which you were to answer?—I received the interrogatories.

Did you see your co-defendants with regard to that?—I spoke to my wife.

How many times have you been at Messrs. Lewis’s office?—Three times. I was there with my wife; I forget whom else. I think I was there once with Mrs. Wilson and Mr. Arthur Stanley Wilson.

I suppose you saw the statement of claim?—Mr. Lewis read it to me. I do not remember the contents. It was rather a long thing.

When you saw the statement, did you notice that you were alleged to have said to Lord Coventry that Sir William Gordon-Cumming frequently withdrew a portion of his stake?—Mr. Lewis called my attention to it.

Mrs. LYCETT GREEN, examined by Sir CHARLES RUSSELL—
I am the daughter of Mr. and Mrs. Arthur Wilson, and I have been married to the last witness, Mr. Lycett Green, for six years. We have three children. I had played the game of baccarat before the month of September last year. I had played it at Tranby Croft, once in my own house, and once at a party at Ascot. I may have played it on two or three other occasions, but I do not remember. The occasion on which we played it in our own house was on a night on which Sir William Gordon-Cumming came to town with us. That was the first time I had played. It was Sir William Gordon-Cumming who taught me how to play it. That was about the year 1888. I had known Sir William Gordon-Cumming before that; I had met him before I was married, when he was staying at my mother’s house. I was very

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intimate with a near relation of his who lived in Yorkshire. I had a great regard for that relation, and I still have. That relation has no children. On 8th September I was at my father's house as one of the house party, and we played baccarat for about an hour that night. I was seated at the opposite side of the table to that on which the Prince of Wales and my mother were sitting. I think there were more than three persons between Sir William Gordon-Cumming and myself on my right hand.

Did anything at all attract your attention on the first night in the course of the play?—I heard His Royal Highness ask Sir William Gordon-Cumming to place his counter so that he could see it, and in reply Sir William said, "My stake is on the paper in front of me." I heard this said more than once, or heard words to that effect.

Do you recollect anything else as to Sir William's play?—I thought he was rather lucky. I mean by that he seemed to be winning. I was not at the same tableau; at least I am almost sure I was playing at the other tableau. I thought he was lucky because he seemed to be winning rather large stakes. I did not notice anything happen on the night of the 8th. We commenced to play the next night, on the 9th, at the same time. The next day I went out for a walk with my husband in the garden before we went to the races, and he told me that my brother had seen Sir William Gordon-Cumming cheating at cards the previous night. Nothing was said to me about the new table. My brother had never spoken to me on the subject. I observed when we went to play the next evening that the table was different. It was covered with green baize, and there was a chalk line round it. Upon this occasion Lady Coventry was seated two seats from me on my right, next to General Owen Williams. There was one vacant chair between her and me. The chair remained vacant for about five minutes after we had taken our seats. I recollect Sir William Gordon-Cumming coming up and asking if he might take that chair. I think he asked Lady Coventry, who assented, and he then sat between her and me. My brother, Mr. Stanley Wilson, was round the corner at the end of the table next to me. My husband was almost the last to take his place. He sat down, having left the other guests to take their places first. My brother, Mr. Arthur Wilson, took his seat a few minutes after me. He had taken it before Sir William Gordon-Cumming had come to Lady Coventry and asked if he might take the vacant chair. There had been no arrangement between my husband and me, or between my husband and Mr. Stanley Wilson, to my knowledge, to watch Sir William Gordon-Cumming. I should say we commenced to play about eleven or half-past.

The Baccarat Case.

Mrs Lycett Green

After the gentlemen joined the ladies in the drawing-room we had some music. I sang to them, and then we went into the other room. The first time I noticed anything about Sir William Gordon-Cumming's playing was when the cards were with Lady Coventry. I cannot say how long I had been seated at the table playing before I noticed that, but the cards had gone all round the table. There had been several coups. Lady Coventry was the last at our tableau to take the cards. Upon that occasion, before the cards were dealt by the dealer, I saw that Sir William Gordon-Cumming had staked £5—a red counter. It was placed three or four inches over the line.

Was it upon the tablecloth, or was it upon the piece of notepaper?—It was upon the green baize. I saw Lady Coventry take up the cards; I could see the cards from where I was sitting as they were turned up. I was sitting next but one to her, Sir William Gordon-Cumming being between. I heard the banker make some declaration. I heard him say "one," "two," or some small point.

Will you describe how Sir William Gordon-Cumming's hands were placed when that announcement was made?—[The witness here placed her left hand over the back of her right hand with the thumbs concealed.]—His left hand covered the right. The counters were in his hand before that. I then saw him distinctly push on a £10 brown counter.

Over the line?—It just got on to the line.

What did he do with his hands when the counter got on to the line?—He withdrew his hands. I saw the counter left on the line.

Do you recollect what payment was made in that instance?—I saw he was paid £5 by His Royal Highness. Thereupon Sir William Gordon-Cumming said, "There is a £10 counter more here, sir, which has not been paid," and His Royal Highness said, "I wish you would put your stakes in a more conspicuous place—I never saw that," or words to that effect.

Do you recollect who it was who paid that additional £10?—No; I do not recollect. It would be General Owen Williams or His Royal Highness. I have no doubt whatever that I saw what I have described. When the additional £10 was paid the stake was withdrawn and put into the heap of counters, and they were all taken off.

How soon after that did you observe anything else?—Shortly afterwards—I cannot say how long, but a few coups afterwards—when the cards were with Lady Coventry, for she passed on several occasions that night.

Just make that clear. You say, "She passed several times

Evidence for Defendants.

Mrs Lycett Green

that night." Does that mean that she was lucky?—Yes, she won. She beat the bank on several occasions. She was the only one that was lucky on our side.

And so long as she was lucky she would continue to take the cards, or, as you call it, "pass"?—Yes. On this occasion Sir William's stake was £5—a red counter. It was well over the line. Sir William had a piece of paper on which he was marking the tableau, in his left hand. In his right hand he had a large pencil.

One moment. Was your tableau successful or not?—Oh, yes; we were.

Did you hear the banker make any declaration?—No, but I knew we had won. I heard Sir William say that we had won. At any rate, I know that our tableau had won.

Upon that did you see what Sir William Gordon-Cumming did then?—Yes. [At this stage the witness illustrated the way in which she alleged Sir William Gordon-Cumming pushed over the additional counter.]

What, then, did you see him do?—I saw him push out a £5 red counter with the end of his pencil, and he was paid. I am positively sure that his original stake in the instance I have just mentioned was only a £5 counter. I saw the addition of a £5 counter. He was paid £10. I am one of the defendants in this matter. I told my husband that night what I had seen. He also told me what he had seen. I did not sign the paper, but I heard of it. I have never mentioned the matter to any one until these legal proceedings were taken.

Cross-examined by the SOLICITOR-GENERAL—Have you told us all you saw?—Yes, of that there is no doubt.

How often had you played baccarat before that night?—Perhaps on six occasions.

Where?—At Tranby Croft, at Ascot, once at my own house, and perhaps I may have played on one or two other occasions.

On the first night was nobody assisting you in your play?—No.

You thought you knew enough about it to play your own hand?—Yes.

Did you buy your own counters?—My husband did.

How much?—I had £5.

On the first night?—Yes.

Did you have to go to Mr. Sassoon for more counters in the course of the evening?—No.

Did you win?—I don't think I did. I really don't remember.

Starting with £5 of counters the first night and not having to go for more, your stakes would be very small?—Very; 5s. or 10s.—never more than 10s.

The Baccarat Case.

Mrs Lycett Green

At that first night did you happen to be in the same tableau with Sir William Gordon-Cumming?—I think I was not, but I could not swear to it. I fancy I was not.

Did you see anybody at the other tableau use paper to put his stakes on?—No.

Did you see any stake put upon your tableau on white paper?—No.

The tables were a little uneven and inconvenient the first night?—They were.

But I understand on the first night His Royal Highness said something about seeing the stakes?—Sir William said, “I put my stakes on the white paper.”

So far as you know, on this first night, Sir William Gordon-Cumming’s on white paper was at least as conspicuous as any stake on the table?—I should say so.

More conspicuous undoubtedly than a dark counter would be on a coloured cloth?—Not necessarily.

What was the colour of the tablecloth?—I can’t say. It was an indescribable colour. It was a tapestry tablecloth.

Can you tell me what was its tone, was it brown, or blue, or white?—It was all sorts of colours. I can hardly describe it. The colours were mixed.

The next morning you were told by your husband something that your brother and Mr. Berkeley Levett had seen on the previous night?—I was told my brother had seen something. I never asked what it was he had seen. It was too horrible.

You were shocked at the thought?—Yes, dreadfully.

Excited?—Not excited.

Only shocked?—Yes.

You thought it a very dreadful thing that such a discovery should be made at the table?—Dreadful.

Did you suggest that they had better not play baccarat again the next night?—No; it was not for me to suggest anything.

You are quite right. Did your husband suggest anything of the kind?—I don’t know.

Did he mention it to you?—No.

Did he not even suggest that your father should be told?—I understand my mother had been told, and if she had thought fit she would have told my father.

On the following night you did not know anything beforehand of the table on which you were to play?—No.

The question of the importance of the chalk line as preventing cheating had not been mentioned to you?—No.

On the evening of the 9th you spent some time in the drawing-room; after music the party moved to the billiard

Evidence for Defendants.

Mrs Lycett Green

room. Did the ladies go to the billiard room first?—I think they did; but some of the men had gone before.

To the best of your recollection the ladies did not seat themselves at the table until His Royal Highness had taken his place?—I cannot swear.

Did Sir William Gordon-Cumming come in with His Royal Highness that evening?—I cannot say. I think he came in some time afterwards.

When practically all the party had seated themselves?—Yes, at our tableau they were all seated.

You were not looking at the other tableau?—No.

At your tableau was there any vacant seat left, except one?—There was that vacant seat in which my husband afterwards sat.

Had your husband taken his place by putting counters there?—No.

If he had taken his seat where your husband eventually sat, he would have had your brother and yourself on his right and your husband would have sat next to you?—Yes; but he would hardly have come and sat next to me.

Was the chair which Sir William Gordon-Cumming took next but one to the croupier and almost opposite the banker?—Yes.

The Court adjourned.

The Baccarat Case.

Fifth Day—Friday, 5th June, 1891.

Mrs. LYCETT GREEN, further cross-examined by the SOLICITOR-GENERAL—You have told us of two matters which you say you observed upon the second night of the play?—Yes.

Are you clear in your recollection of each of those matters?—Perfectly.

Do you know who, at the time you noticed the first incident, paid the money?—No.

You didn't notice that?—It would be either the Prince of Wales or General Williams.

I am aware, but did you notice which it was?—I think it was the Prince of Wales.

Now, on that occasion, you said, "I saw him"—that is, Sir William Gordon-Cumming—"distinctly push on a £10 red counter." It just dropped on to the line?—Yes.

It was never pushed beyond the line?—I think when Sir William pushed it out he said, "This has not been paid—this £10," pushing it on when he made the remark.

So that at the moment that he made the remark and called attention to it it was on the line, according to you?—Yes.

And some distance from the counter which he had originally staked?—Yes.

Several inches?—Two or three inches.

What were the words used by him?—He said there was £10 here to be paid.

To whom did he speak?—To His Royal Highness.

You do not suggest that on two occasions something was said to Sir William Gordon-Cumming?—No.

You do not remember this having happened twice?—No.

You only remember one incident?—Only one, and that was on the second night.

The next incident, you say, was the pushing of a counter underneath the paper?—Yes.

And who was handling the cards then?—I could not say for certain.

How long after the other incident to which you have referred was it?—It might have been two or three coups. I am not quite sure.

Two or three coups would only take a very few minutes?—

Evidence for Defendants.

Mrs Lyceet Green

They would not take long; it would depend upon how long the payments took.

Perhaps, then, you can remember who was making payments?—Sometimes the Prince of Wales and sometimes General Owen Williams. General Williams paid the left-hand tableau and the Prince of Wales the right.

What is the duty of the croupier?—To pay and receive.

Do you mean that there were counters both before the Prince of Wales and General Owen Williams?—Yes; the Prince had a few counters by his side.

The croupier does not play in the game?—No.

And his only duty is to see what the stakes are and to pay and receive?—I suppose so.

You do not know much about the game, do you?—Oh, yes, I do.

Where did you play at Ascot?—At a house we had taken for the races. The game was only a small one—shilling and half-crown stakes.

Do you remember it being observed that you did not know much about the game?—No, I do not. I do not remember anything about the game except that it was for very small points.

I suggest to you that a comment was made by one of the guests about your play, and that you said you had only played once or twice. I will mention the name of the gentleman who made the observation, if you like?—Will you do so?

Mr. Bowles?—I do not know Mr. Bowles. I never met him.

You remember the occasion to which I have referred?—Yes.

Do you remember who was there?—Not in the least.

Will you undertake to say that Mr. Bowles was not there?—I never remember having seen him in my life.

Mrs. ARTHUR WILSON, examined by Sir CHARLES RUSSELL—
In reference to the last incident that has been mentioned, the year in which we met at the house at Ascot was the year 1889. Mr. Bowles, whose name has been mentioned, was not a guest at our house, but last year he came to our house one night for about an hour. He came in and played baccarat. I think my daughter was there. I do not in the least recollect any comment being made as to the want of knowledge on the part of my daughter as to the game of baccarat. I am myself one of the defendants in this case. I was the hostess at Tranby Croft on the occasion of the party. On the evening of Monday, 8th September, after dinner and after music, the party played a game of baccarat. I sat near the Prince of Wales. With the exception of

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one incident, nothing occurred at all in any special way to attract my attention on the 8th. I recollect noticing that my son, Mr. Arthur Stanley Wilson, had a rather surprised air. I could not make it out. I thought he was puzzled about something. He caught my eye and then looked down. I did not realise until afterwards what he meant. He looked at me in a significant way. That night he came to my dressing-room to see me, and he there made a communication to me, a very painful one. It was to the effect that he had seen Sir William Gordon-Cumming cheating during the game of baccarat. He asked what he should do. I said, "I cannot let you speak about it. Oh, you must not speak. We cannot have a scandal in our house." My daughter and I were very intimate with one of Sir William Gordon-Cumming's relations, a neighbour of ours, and a very dear friend of mine. Upon my saying, "You must not speak," my son said, "We must order another table," and then, "I do not think he can cheat to-morrow." I have forgotten exactly what he said. He told me about the table. I did not at that time make any communication to my husband. He came to bed rather late, and I did not wish to trouble him.

The next night we followed the same course. After we had dinner and some music we again formed a party for baccarat. My son came to me in the drawing-room and whispered into my ear that he had made it impossible for him to cheat that night, as a chalk line had been drawn all round the table. He said, "It is virtually impossible." The game was played in a different room that night and at a different table. There was no agreement by me with any one, or by any one, to my knowledge, to watch Sir William Gordon-Cumming, or as to the position that any one should occupy at the table during play. It was purely accidental how they sat. His Royal Highness asked me to come and sit beside him. Until I received a communication from Mr. Lycett Green the whole matter of Sir William Gordon-Cumming had entirely passed out of my mind. I had not noticed or attempted to take any notice of his play. I do not think I saw Mr. Lycett Green leave the room, but in the course of the evening I received a written communication from him, brought to me by a servant. I have been in Court and I heard Mr. Lycett Green's recollection of the contents of that communication. I think it was to this effect: "I have already seen Sir William Gordon-Cumming cheating twice. What can be done? It is perfectly horrible." I shook my head at him. He had come back into the room by that time and was standing up. I do not know whether Sir William Gordon-Cumming saw me shake my head or not.

Evidence for Defendants.

Mrs Arthur Wilson

I should say we had been playing rather more than half an hour when this incident occurred of the note being brought to me. I do not know how long after the incident the play continued; it might have been three-quarters of an hour. Having got this communication, I looked to see what Sir William Gordon-Cumming was doing. I was sitting on the left of the Prince of Wales, on the left tableau, and Sir William Gordon-Cumming was next to Lady Coventry on the opposite side of the table, on the right-hand tableau, so that I was looking across at him. It was the second time round to Lady Coventry that I first noticed anything.

Then you had not noticed any of the incidents spoken to by any of the other witnesses in the first round?—I remember Sir William Gordon-Cumming asking for £10 to be paid, but I had no idea of his cheating. I remember the Prince seeming annoyed and saying, "I wish you would let me see your stakes." When the cards came round to Lady Coventry the second time I noticed that Sir William Gordon-Cumming had staked £5. I recollect that his tableau won. The banker had declared that they had won—that he was either nothing or something very small. I am perfectly sure that Sir William Gordon-Cumming's stake was £5.

Did you then see him do anything?—Yes; he had his hands over the line, and when he saw who had won the coup he dropped the £10 counter out of his hand on to the table. He was paid £15.

You know this is a serious matter, Mrs. Wilson?—I do, indeed.

Have you any doubt that you saw that occur which you have described?—I have no doubt. I do not recollect how long it was, or how many coups had taken place, after I got the communication that I noticed this act. I think it was about twenty minutes after I received the letter. Two coups had taken place before I noticed anything else. I observed that Lady Coventry was taking the cards at this time. She had a run. She "passed" several times. I recollect that Sir William Gordon-Cumming's stake on that occasion was again £5. On this occasion Lady Coventry had a "natural," and the cards were thrown down. I saw Sir William Gordon-Cumming looking at the cards, and I saw him with his pencil push on a £10 counter straight before him—so openly that I wondered others did not see it. I am perfectly sure that before the natural was declared his stake was only £5. He was paid the £15. No question whatever was raised as to his right to the payment.

I recollect making a very short statement to the Prince of Wales on the morning of the 11th. I was then in domestic trouble. The interview was a very brief one; it was a

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leave-taking interview. I simply told him that I had seen Sir William Gordon-Cumming cheating. The only words I remember were that I feared my son would suffer. The Prince said, "Oh, no; nothing of the kind." Sir William Gordon-Cumming left early on the morning of the 11th. I had a letter written by him brought to me on that morning. I have not preserved that letter. It was brought to my room. I did not see Sir William Gordon-Cumming on the 11th at all. As nearly as I can recollect, he said in that letter that he was called to London, and that he deplored having to go away without condoling personally with me on the sad event that had taken place. He expressed his regret that he could not personally express his condolence. I know that he has said that on the 10th I met him on the stairs, that he then personally expressed his condolence, and that I expressed the hope that the party would not be broken up. I have no recollection whatever of that. I met Mr. Sykes, but I do not remember meeting Sir William Gordon-Cumming. I was not a party to the signing of the agreement of secrecy. On my oath I have never mentioned the matter to any one from the 10th of September until these legal proceedings began. It was too much to my interest to keep it quiet. I remember Mr. Berkeley Levett coming to me in London about the 25th or 26th of January of this year. It was on a Sunday. I recollect my son, Mr. Stanley Wilson, being telegraphed for and coming up to town. I telegraphed for him myself. On the 27th or 28th we received a letter giving notice of this action. It was a day or two after coming to London.

Cross-examined by the SOLICITOR-GENERAL—You were asked just now whether you had mentioned this matter to any one before the action began, and you said, "No, I had not. It was too much to my interest to keep quiet?"—Certainly.

What do you mean by its being to your interest to keep quiet?—Well, I had not signed the paper, but I had promised.

When?—The Prince asked me not to say anything about it, and I said, "Certainly not."

Was the reason that it was to your interest, or that you had promised not to tell?—Both.

Having promised the Prince that you would keep quiet, interest or no interest had nothing to do with it?—I should think it had.

How? If you promised the Prince there was an end of the matter. Whether it was to your interest or not you would not have said anything about it, would you?—Probably not.

Evidence for Defendants.

Mrs Arthur Wilson

Probably not? Well, I won't reason with you about it. On the morning you received the note you did not see Sir William Gordon-Cumming?—No.

Did you see any of the party except the Prince?—Yes.

Who? All of them?—No. Oh, yes; I saw them all.

Did they all leave on the morning of the 11th?—My intimate friends stayed on.

And the others went away in time for the races and did not return?—Yes.

Who stayed?—Lord and Lady Coventry, General and Mrs. Owen Williams, Lord Edward and Captain Arthur Somerset; but I cannot exactly recall who went and who stayed.

Did those persons whom you have mentioned stay over that day?—Yes.

How long afterwards?—Until the next day, I think.

I understand that a communication was made to you on the evening of the 8th by your son?—Yes.

Why did not you tell Mr. Wilson, your husband?—In the first instance he did not come to bed till very late. The next morning I thought it better not to talk to him about it.

Why not?—Because I hoped there would be no recurrence of it.

What is Mr. Wilson by occupation?—A merchant.

And shipowner?—Yes.

A man beyond middle age I suppose?—Yes.

He has been in Court?—Yes.

He is a man having experience of the business world?—Yes.

Now, on the evening of the 8th you understood that your son and Mr. Berkeley Levett both suggested or asserted that they had seen Sir William Gordon-Cumming cheating at cards?—My son told me that he had seen him, and that Mr. Berkeley Levett had told him that he also had seen him.

And you believed it?—Perfectly. I have never had occasion to doubt my son's word.

And you knew that a different table was to be used the next night?—Yes.

Partly because of this cheating?—I did not know that. His Royal Highness had asked me to have a proper table.

When?—When we were playing baccarat on the Monday evening, and Jack said he had ordered it.

When?—When he came up to my bedroom.

The Prince asked you that before any one had any idea that there had been any cheating at all?—Certainly.

And you told your son about preparing a proper baccarat table directly after the Prince had mentioned it to you?—No. He told me he had ordered it, and I said, "That's all right."

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Your son had not heard of the request of the Prince?—I cannot say. Possibly he had.

Did the Prince describe the table he wished to have prepared?—No.

You knew what sort of a table should be prepared?—I think I suggested a round table.

According to you the arranging of the table for the following night was not in consequence of what had been seen at play?—No. It was not arranged for that purpose, but we hoped that having another table would prevent it.

Your husband objected to the game?—He did not object, but he did not like the game. He did not think it wise for young, hot-headed boys to play high.

When had you played before?—On the previous October.

Did your son play?—Yes.

On that occasion was the play very high?—Not very high. There was about £300 or £400 in the bank at one time, and we thought that too much.

Did two persons win or lose a very large sum on that occasion?—I cannot remember exactly who won or who lost.

Do you remember attention being called to the fact that a lady had lost or won a very large sum on that occasion?—I do not remember any lady losing a large sum.

Why was the objection made by Mr. Wilson?—Because he did not like our sons to play so high.

When, on the evening of the 8th, it had been stated that a gentleman staying as your guest had been cheating at cards, did you believe it?—Certainly.

Why, then, did you arrange to play again on the second night?—If I had stopped the game I should have had to give some reason, and something unpleasant would have happened, as I should have been casting an imputation on the character of the whole of my guests.

Why did you not tell His Royal Highness that Mr. Wilson objected to the game?—I think I did tell him when it was proposed.

You told him on the 8th?—Yes; I told him that Mr. Wilson did not like the game, but as we were such a staid and non-gambling party I did not think that any harm would come of it.

After you had been told about the cheating, and were asked to arrange a table for the next night, why did you not make some excuse about the difficulty of arranging a table, and so prevent the game?—I did not think he would cheat every night.

That was your state of mind with regard to your guest?—It was.

And although your son and Mr. Levett had told you that

Evidence for Defendants.

Mrs Arthur Wilson

one of your guests had cheated at cards at your table, you sat down at the table in company with the same gentleman on the following night, played for more than an hour and a half, and had forgotten the incident?—I put it out of my mind.

Why, Mrs. Wilson, your son had reminded you of it in the drawing-room just before you went into the billiard-room?—Yes, he told me that it was practically impossible for him to cheat.

And your son having brought the incident back to your mind, you straightway went into the billiard-room and played without the incident recurring to your mind?—I was the hostess, you see.

So you were?—And I had plenty to think about.

Upon the second night Mr. Lycett Green sent in a note to you saying that he had seen Sir William Gordon-Cumming cheat twice?—Yes.

And you went on playing?—Yes.

Why did you not make an excuse and break up the party?—I did as soon as I could.

Three-quarters of an hour or an hour afterwards?—I could not break it up at once.

Why did you not suggest that you were not well, or give some excuse, of which a hundred might have been found, to leave the table?—As soon as the excuse was found I made it.

What was the excuse at last?—That we were all tired, and that we were going to have a hard day to-morrow, and that it would be well to go to bed.

That was not until half-past twelve—the hour at which the party had broken up the previous night?—Yes.

You thought it better to go on playing that night?—I did not wish that there should be any disturbance.

Did it not occur to you to make an excuse to leave the table?—You could not very well when the Prince was present. I did not feel ill, though I felt very unhappy.

Then why did you not ask the Prince to allow you to retire?—It did not come into my mind. I took the first opportunity to break up the party. I waited until the end of the deal.

The banker could give up the bank at any time?—Yes.

He is not compelled to wait until the end of the deal?—No.

No one is entitled to call upon him to do so?—No.

After receiving the letter from Mr. Lycett Green you were farther away from Sir William Gordon-Cumming than from the Prince or from General Williams?—Yes.

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And General Williams had nothing whatever to do but look after the stakes, I believe?—No.

To see that they were properly placed?—Yes.

To see, before the cards were dealt, how much there was on each tableau?—Get a sort of idea.

As good an idea as he could get by looking?—Yes.

And then, himself taking no part in the play, to see, after the coup was over, how much had to be paid or how much had to be received?—Yes.

And to see that the amount staked for any one coup, taking the two tableaux together, was not larger than the amount in the bank?—He could do that or not, as he liked.

At any time, if the banker recognises a stake larger than the amount in the bank, that would make the bank open?—Exactly.

The croupier has to notice whether the stakes upon the table are larger or not than the amount in the bank?—Yes.

Did Sir William Gordon-Cumming usually play a £5 stake?—Usually.

So that having to pay him £15 upon the first coup at which he put a £5 stake would attract attention? Do you follow me?—I don't think so, necessarily. I dare say it was a high stake for one game.

And, being a high stake for one coup, would naturally attract attention, wouldn't it?—Not if there were one or two others playing high.

If General Williams had seen £15 on the table as the stake before Sir William, he would notice it, perhaps, as an exceptional thing?—I don't think he did.

But it would be an exceptional thing?—There were others playing the same.

Who was playing stakes of £15 at the table at which Sir William was playing?—I don't think any one till my husband played.

Did he play the first night?—I think so.

Why did not you tell what you had seen and consult your husband?—I didn't want to trouble him. I didn't see him when it was first in my mind, and the next morning I thought I wouldn't trouble him.

It was a startling sort of impression to receive?—Of course it was.

Not one that would go off very quickly?—No.

The matters that you have told us of occurred about twenty minutes after the letter was brought in?—About that.

Lady Coventry was particularly lucky?—Particularly so. I mean she was lucky at the cards; she was not staking high.

No; only 5s. or 10s. stakes?—Yes.

Evidence for Defendants.

Mrs Arthur Wilson

She had the cards several times?—A great many times.

Sir William, who was playing higher, was assisting her and talking to her?—Yes.

You say that you noticed that Sir William had his hands over the line and dropped the counter?—Yes.

Had he—before the cards were dealt—had he his £5 counter well out on the table?—Yes, two or three inches.

Well over the line?—Yes.

On a table covered with green baize?—Yes.

With a white line?—Yes.

And a red counter well over the line?—Yes.

Now you say you saw him drop a £10 counter?—Yes.

That counter was more difficult to see on the green baize table, less conspicuous than the bright red?—I should think not much less conspicuous because it was larger.

You say Lady Coventry's good fortune had been commented upon at the table?—Yes.

So that the attention of players would be attracted to her and to that part of the table?—Yes, to her cards.

And, of course, with a run of luck going in favour of the tableau the attention of the banker and croupier would be directed to that part also?—Yes.

Do you say that you saw the counter drop after Lady Coventry had laid down her cards and shown a "natural"?—I don't think I said so.

Do you say that after the banker said what he had you saw the £10 counter dropped?—Yes; after.

Was anything said on that occasion about the money that was to be paid?—I don't remember anything being said.

Who paid the money?—I think it was the Prince.

And he could see the £5 counter well out, as you describe it?—He could have seen it.

And, according to your impression, must have seen it?—He might not have noticed it. Every one might have seen it.

Now, the second occasion. Was it two coups later on?—I think about two.

Lady Coventry's good fortune still continued?—Yes.

Was Lady Coventry's run of good fortune the thing that most attracted your attention that night as between the players, or was there anybody else who had a similar run of good fortune?—I don't think so.

On the second occasion had a bright red £5 counter been again put in its proper position several inches within the line?—Yes.

In view of all the players?—Yes.

And you say that after a "natural" had been declared, and the cards put down, you, sitting where you were, saw Sir William push forward a £10 counter?—Plainly.

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Mrs Arthur Wilson

How long was it before the close of the play?—I don't know; about half an hour.

Those were the only two occasions on which you allege you saw him cheating?—Yes.

On the second occasion referred to you did not break up the party?—No; I had no doubt that Sir William Gordon-Cumming was cheating.

Cheating systematically?—Yes.

You simply looked away for the rest of the game?—Yes.

You sat there in terror, not knowing what might occur?—I felt very uncomfortable and very unhappy.

On the morning of the 10th did you tell your husband what had occurred?—I told him on the 9th.

When, if ever, did you make a statement of what you had seen to His Royal Highness?—On the morning of the 11th.

On that occasion you referred to the incident and expressed a hope that your son would not suffer?—I think that was hardly the conversation. I said, "I have seen it also."

How came you to say, in answer to interrogatories, that you had told His Royal Highness on the 10th that you had seen the plaintiff cheat on the 9th?—That must be a mistake in the date. It was on the 11th.

(A reference was here made to the original affidavit, and it appeared that the witness was right, an error having been made in the copies supplied to counsel.)

Lord COVENTRY, examined by Sir CHARLES RUSSELL—I was a guest at Tranby Croft on the occasion in question, and Lady Coventry was also there. We played baccarat on the evenings of 8th and 9th September. On the first night I was not sitting near Sir William Gordon-Cumming, but on the other side of the banker. On the next night I believe I was sitting near to General Owen Williams on the opposite side to Sir William Gordon-Cumming. I recollect that on the evening of Wednesday, the 10th, Mr. Lycett Green made a statement to me. I have heard Mr. Green depone to the nature of the communication he made to me. I desired to consult General Williams, and Mr. Lycett Green repeated the statement to me when General Williams was present.

Was there any one with Mr. Lycett Green when you and General Williams saw him before dinner?—Mr. Stanley Wilson, Captain Arthur Somerset, and I am not positive whether Lord Edward Somerset was there or not.

After seeing these gentlemen, and hearing what was said by them, what was the next thing you did?—We resolved to

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see the Prince of Wales and tell him of the matter. The Prince of Wales had honoured Sir William Gordon-Cumming with his friendship for many years. We felt we could not allow that friendship to continue without informing His Royal Highness of what had occurred. Accordingly, we saw His Royal Highness and informed him of the accusation. General Owen Williams and I went to see Sir William Gordon-Cumming to inform him of what we had been told, and we saw him in the smoke-room. I told him that members of the party had been commenting upon his conduct at baccarat, and he said, "Good God! What do you mean? What do they say?" I said, "They accuse you of cheating." He said, "It is altogether false. Who are my accusers?" I told him the names of his accusers, mentioning Mr. Lycett Green and Mr. Stanley Wilson. I do not think I mentioned any other names. I had heard at that time the name of Mr. Berkeley Levett, but I don't believe that I mentioned his name. When I mentioned these names he said, "Do you believe the statements of a parcel of inexperienced boys?" or words to that effect. I do not know that I made any reply to that. Sir William Gordon-Cumming then asked to be allowed to see the Prince of Wales. There was nothing said at that first interview by him as to being confronted with Mr. Lycett Green.

Very well; not at that interview. The Prince did see him in your presence and that of General Williams?—He did, but later in the evening—after dinner.

The interview you are describing was before dinner?—Before dinner.

Sir William has said that he asked you, "What is it I am accused of?" and that you answered, "I do not precisely know." Is that true?—It is not.

By the LORD CHIEF JUSTICE—After what you have said took place, did he go off and dress, and did anything more take place?—He left without saying anything further.

Sir CHARLES RUSSELL—Sir William asked to see the Prince of Wales, my lord.

Examination continued—After dinner, in the presence of myself and General Williams, the Prince received Sir William. I remember what took place on that occasion. Shortly, I think, Sir William protested his innocence, and hoped His Royal Highness did not believe the charges made against him. I believe the Prince said, as nearly as I can recollect, "There are five witnesses against you," and then the interview terminated.

By the LORD CHIEF JUSTICE—It says reference was made to the Duke of Cambridge and to the authorities in the presence of the Prince?—I cannot recollect whether he did

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so on that occasion. [After a pause]—If I may be allowed to correct my statement, I remember it now perfectly. Sir William Gordon-Cumming did say before His Royal Highness that he would wish the matter referred to the Duke of Cambridge, commander-in-chief, because General Owen Williams replied, “By all means, if you wish to do so, but I do not think the commander-in-chief will take so lenient a view of the case as we have done.”

Examination continued—Sir William Gordon-Cumming made no reply to that. I think General Williams and myself had expressed the desire that this matter—this accusation—should be kept a secret if possible, by binding all those who had seen the transaction over to secrecy. Sir William Gordon-Cumming was to pledge himself, if this arrangement was carried out, never to play cards again. After dinner I was present with General Owen Williams when the Prince saw a number of these witnesses. The witnesses were Mr. Stanley Wilson, Mr. Lycett Green, and Mr. Berkeley Levett; there were also present Lord Edward Somerset and Captain A. Somerset.

Do you recollect whether the Prince put questions to the first three gentlemen you have mentioned?—Yes, he did.

I do not know whether you can recollect what Mr. Berkeley Levett said when he was appealed to?—Mr. Berkeley Levett had on more than one occasion expressed his sorrow to me at being mixed up in the concern. I cannot say it was then.

By the LORD CHIEF JUSTICE—Did he say anything in the presence of the Prince as to what his convictions were, or what his evidence was?—I think he mentioned what he had seen.

And was that substantially what he has told us here?—He corroborated the other witnesses.

Examination continued—I recollect on that occasion Mr. Lycett Green expressing the desire to be confronted with Sir William Gordon-Cumming and have it all out then. That was before dinner. He said the same thing later on. I believe it was General Williams and myself who communicated with Sir William Gordon-Cumming. Sir William never expressed, either to General Williams or myself, the desire to be confronted with Mr. Lycett Green or any of his accusers. After dinner, and after the interview with the Prince of Wales, General Williams and I prepared the paper which was afterwards signed.

From whom did the suggestion come for the preparation and signing of that paper?—General Williams and I discussed it together, and we agreed that it would be the best course to adopt. I recollect going, accompanied by General

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Lord Coventry

Williams, to Sir William Gordon-Cumming with that paper. Sir William took it into his hands, read it, and said, "Why, if I sign this it is tantamount to an admission of guilt." I replied that that was so, and General Williams said the same. There was no hurry about these proceedings.

Do you see any reason to suppose that Sir William Gordon-Cumming had lost—

The SOLICITOR-GENERAL—My lord, I object to this question.

Sir CHARLES RUSSELL—I am entitled to put this as a leading question, though I desire to avoid any possible objection.

The LORD CHIEF JUSTICE—You have clearly the right to ask the question. It is one which is asked in probate cases every day.

Examination continued—Was there anything in Sir William's demeanour to suggest that he had lost his head?—There was not.

Did any question arise about regimental whist?—Yes. That was after he had signed the paper.

By the LORD CHIEF JUSTICE—After I had agreed that it was tantamount to an admission of guilt he said, "I will not sign the paper."

Examination continued—What next?—He said, "I would rather refer the matter to my commanding officer," or "the commander-in-chief." He said one of the two. General Williams again repeated, "You can do it if you like, but he will not take so lenient a view of the case as we have done." Sir William then deliberated for a few seconds, and then he turned to me and said, "Coventry, you are a friend of mine. Do you recommend me to sign this paper?" and I said, "If I were in your place, I should sign it, because I don't think your commanding officer would take so lenient a view of the case as we have done." Sir William then turned to General Owen Williams and said, "Owen, you are a very old friend of mine, do you advise me to sign it?" and General Williams answered him in the same words almost. He then signed the paper. When I gave him that advice, I believed him to be guilty. After this he said, "I have been in the habit of playing whist with the members of my regiment for sixpenny points; I suppose you will not prevent me from doing that?" but we would not give our consent. The question then arose as to the time Sir William was to leave Tranby Croft. He proposed to remain on the following day to go to the races with the party, but we told him that would be impossible. He ultimately agreed to go away next morning. General Williams and myself shook hands with him as we took leave of him when he left the room.

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By the LORD CHIEF JUSTICE—You have a recollection of Mr. Lycett Green saying something to you about watching Sir William Gordon-Cumming on the second night?—Yes, I have. My recollection of it is that Sir William Gordon-Cumming had been seen to cheat on the first night. Witnesses had spoken to it among themselves, and they determined, if they saw any cheating the next night, that they would denounce him. That is the impression left on my mind.

When was that said to you?—About a quarter-past seven in my room, when Mr. Lycett Green first came to me to inform me before dinner.

Examination continued—Did he then tell you he had been intentionally watched by arrangement on the second night?—Yes, that is so.

Do you recollect, some days afterwards, receiving the précis prepared by General Owen Williams?—I do. I received it about 21st September, ten days after the occurrence. I read it, signed it, and forwarded it to His Royal Highness.

Did you examine it critically or not?—I read it over.

Did you also make, what was mentioned by General Owen Williams, a memorandum of the occurrence?—I did.

Have you got it here?—I have it in Court. [A diary was produced and handed to counsel.]

How soon after was it made?—It was made on the Thursday—the day after the occurrence.

Sir CHARLES RUSSELL—I propose to read this entry. It is as follows:—"On my return to Tranby from the races, 10th September, 1890, Lycett Green came to my room and asked my advice in the following circumstances. It appears that on the night of Monday, the 8th, his brother-in-law, J. Wilson,* had seen a member of the party cheating at baccarat, his *modus operandi* being to slip counters surreptitiously on the table when the cards were shown. He communicated this to Lycett Green, who determined to watch the person on the following night. Then he, his wife, Mrs. Wilson, and young Levett distinctly saw cheating on the part of Sir William Gordon-Cumming. I asked that I might mention the matter to General Owen Williams, and take counsel with him as to the best way of proceeding, and accordingly we summoned him to assist in dealing with the case. We determined to lay the matter before the Prince of Wales, which we did, and at the same time suggested a course to be followed of which His Royal Highness approved, and General Williams and myself then saw Sir William Gordon-Cumming, and communicated to him what we had heard. He strongly denied the accusation, but, perceiving that the evidence against him was of an overwhelming

* Arthur Stanley Wilson.

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character, he placed himself unreservedly in our hands, agreeing to do as we should advise. We decided that he should sign a paper promising never to play cards again, in consideration of the witnesses undertaking to preserve silence with respect to his conduct; and this was done. The undertaking was as follows:—‘In consideration of the promise made by the gentlemen whose names are subscribed, to preserve silence with reference to an accusation which has been made in regard to my conduct at baccarat on the nights of Monday and Tuesday, 8th and 9th Sept., 1890, at Tranby Croft, I will on my part solemnly undertake never to play cards again as long as I live.’ The paper was signed by Cumming and six witnesses, and also by the Prince of Wales, Owen Williams, and myself, and I gave it into the possession of His Royal Highness, who will forward it to his secretary for preservation. We were induced to recommend this course because we desired, if possible, to avoid a scandal, which would naturally attach to the publication of the circumstances, and to keep the name of the Prince of Wales out of it, and also out of consideration for our hosts, Mr. and Mrs. Wilson, who are at this moment in domestic affliction. We believe that we have done our duty to society, so far as the circumstances permit, by insisting that the accused should never play cards again, but at the same time we feel that the accused has been very leniently treated. The names of the signatories were:—Albert Edward, Owen Williams, Coventry, Edward Somerset, Arthur Somerset, Arthur Wilson, John Wilson, E. Lycett Green, Berkeley Levett, Reuben Sassoon, and, of course, Cumming signed the undertaking.”

Examination continued—I think I have read it correctly?—You have.

With the view of preventing any suspicion did you and General Williams agree between you what you should do if you met Sir William Gordon-Cumming in your club or elsewhere?—We did. We agreed that we should acknowledge him in the ordinary way whenever we met. Until the month of January in the present year I do not believe I was in any closer communion with him. I had some letters from Sir William in that month.

Have you ever mentioned this matter to any person before this litigation arose?—To nobody. I recollect after hearing that proceedings had begun seeing Sir William at the Carlton Club, but I cannot recollect that we had any conversation at all. We met in the hall of the Carlton Club once, and he said to me then, so far as I can recollect, that he wished to have a copy of the précis. I applied to the Prince for

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it, got it, showed it to him, and furnished him with a copy.

Do you recollect whether you offered to send the paper, if he wished it, to Colonel Stracey?—I believe I did, so far as I can say.

Cross-examined by the SOLICITOR-GENERAL—I don't want to prevent any account being given of what took place, so I will ask you the question. Do you remember on one occasion something being said about that being sent to Colonel Stracey?—I do.

Will you kindly tell me where and when it was, and what was said?—I believe it was in the house of General Williams in Hill Street.

And when?—Some time at the end of January.

And to the best of your recollection, Lord Coventry, what was it you said?—May I explain what happened in the first place?

Yes, certainly?—We read over the précis to Sir William, and after it had been read I believe that I said something—"Would you wish me to forward it to Colonel Stracey?" or "Would you like Colonel Stracey to see it?" I believe I said it, although I won't swear it, and I understood him to disapprove of that course. He had taken objection to one paragraph in the précis, and the matter was not pursued.

You say he had taken exception to one passage in the précis?—The passage I think he took exception to was this: "At the same time they clearly pointed out that his signature to this would be a distinct admission of his guilt." That was the paragraph.

And he said that he had said, when it was put before him, that it was an admission of guilt, and that you agreed with it?—He did.

The difference was not, perhaps, very important, but that was the point of it?—It was. He said on the whole that he thought it was a very accurate description of what had taken place. The only thing he disagreed with was that particular paragraph.

And it was in consequence of his pointing that out, I think, that the letter of the 28th was written by General Williams. Do you remember that a letter was afterwards written, "You are quite at liberty to tell Stracey you signed the document under extreme pressure"?—I do not know whether that was in consequence of the interview.

Well, now, at the interview at which the précis was shown to him, and that discussion took place, he told you he had already been to Colonel Stracey?—Yes, I think he did. If not then, he told me so in writing.

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Lord Coventry

You knew?—Not that he had been, but that his intention was to go, and I concluded that he had been.

You meant you had heard some time before that it was his intention to go to Colonel Stracey, and when you saw him and read over the précis you understood he had been to Colonel Stracey?—Yes, I did. Sir William had not dated his letter. He mentioned it to me in a letter, and as he did not date it I cannot remember exactly when I received it.

We know that the interview at which the précis was read took place on 26th January; the date of your supplying a copy of the précis may be fixed by your note from the “Carlton Club, 4th February, 1891.—Dear Sir William—I found your letter on returning from hunting last night. I will communicate your request to General Williams, and I feel that there will be no objection to supplying you with a memorandum.—Yours truly, COVENTRY.”

I understand that on the evening of 10th September, when he had signed that document and you had taken possession of it in order to put it into the Prince's hands, you shook hands with him?—We shook hands with him once during the evening. My impression is that it occurred when we were taking leave of him. And you and General Owen Williams intended that neither by your speaking of it, nor by your behaviour in any respect, should any indication be given of what had taken place?—Certainly, that was my intention.

If that intention had been maintained and acted upon by all the parties who knew of this transaction, of course no knowledge of it would ever have got about?—I cannot say. Probably.

Did you at the time you left him on the evening of the 10th believe that this matter would remain an undisclosed and unsuspected secret?—Certainly, I did.

In any event, Sir William Gordon-Cumming would have retained his rank in the army if he chose?—He would.

And would have retained, as he has retained, his membership of his clubs?—He would.

And that consequence—that hoped-for consequence—of the arrangement was in your mind at the time?—It was not. I thought the whole thing would have been preserved a secret.

That is precisely what I am putting to you. You thought that the whole thing would be preserved a secret, and that he would go on in the army and clubs as if nothing had happened?—Of course he would.

Did you look forward to that in respect to a man whom you believed to be a cheat?—I did not look forward to it, but it was inevitable.

As the result of the course you had taken?—Certainly.

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The course originally suggested by yourself and General Owen Williams?—Yes.

A course suggested and determined upon by yourself before you had even spoken to Sir William Gordon-Cumming on the matter?—No; I don't think so.

The suggestion had been made that this arrangement should be come to, and the document afterwards signed. That suggestion had been made before you saw Sir William Gordon-Cumming at all?—I won't undertake to say it was not; I can't remember it having been made.

Did you hear of it?—We could not tell what Sir William's attitude might have been. He might have wished to have been confronted with his accusers.

Did you hear General Owen Williams say in his cross-examination that statements were made, and you had determined on the suggestion to the Prince of Wales that the matter should be hushed up before Sir William Gordon-Cumming had been seen at all?—I did not hear it said at all.

Does not your memory serve you to this extent—that before you saw Sir William at all, the suggestion of the hushing-up by the document had been already made?—The suggestion might have been made.

Of course you recognised how serious a business this was; you recognised it at first?—Certainly.

I presume that explains your having made this detailed entry at the end of the diary which you were then using?—Yes.

And in which you continued to make entries to the end of the year?—Yes.

I understand that you, looking at the importance of the matter, thought it would be desirable to keep a record of all the circumstances at the time?—I did.

And had you that diary in your possession and available for reference when the précis which had been prepared independently by General Owen Williams was sent to you for consideration?—I had not, to the best of my recollection.

When was it that you received the précis?—I cannot recollect at this moment, but probably the letter with which I returned it (if I wrote a letter) would give the date.

Never mind that. I put it in this way. Upon receiving the précis, and being aware of the purpose for which it was prepared, I have no doubt you read it carefully?—I read it through.

Were you aware that it had been sent to His Royal Highness for preservation, and that His Royal Highness was desirous that you should see it and sign it as correct?—I may have been told so. At any rate General Williams sent

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it to me asking me to sign it if I thought it was correct, and I did so.

It was conceivable that this matter, affecting the honour of an officer of the Guards, should come out some time or other?—The possibility of such an event did not occur to me. I thought the whole matter would be preserved in secrecy.

I suppose, being called upon to consider and, if you thought proper, to sign the statement, you carefully considered it before you signed it?—I read it over.

The last line of the statement declares it to be an accurate statement of all the facts of the case?—That is so.

Then I may take it that at the time, to the best of your knowledge, it was accurate?—I will not go so far as to say that. There were one or two particulars with which I did not agree, but I thought that possibly I might not have heard correctly what was said.

You don't mean to say that in a case of this gravity you put your name to the statement as an accurate representation of all the facts of the case when you did not believe it was accurate?—I thought it was substantially correct.

Was there no particular part of this statement which at the time you considered inaccurate?—Well, I must say that there was one part which I did not entirely recollect. I was not quite certain about that part of the statement referring to the withdrawing of a portion of the stakes by Sir William Gordon-Cumming, but I will not say it is inaccurate. I heard one of the witnesses say something about the withdrawal of the stakes, and, as I am rather deaf, I concluded that that had been said, which General Owen Williams put down.

Well, but will you observe that the statement purports to report an interview between Mr. Lycett Green and yourself, at which General Owen Williams was not present?—It purports to report the general impression of what took place.

But the point is this: the statement purports to report an interview between you and others, and goes on to say, "Lord Coventry, on hearing this, consulted General Williams as to what steps should be taken." So that you see it purports to be a statement made to you before you consulted General Williams. Did you observe that?—I did not observe that. General Owen Williams came to my room, and Mr. Lycett Green told him in my presence the same story, word for word, as far as I remember, as he had told me.

And was the same statement made before His Royal High-

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ness later on?—I think so. Different words may have been employed, but they were to the same effect.

And, no doubt, the threefold repetition had the effect of fixing it upon your mind?—Yes.

Is there any other matter which you noticed in the *précis* in respect of which your memory did not serve you?—I think the name of one of the guests.

But so far as the record of the events went, you had no doubt as to its accuracy?—No; I thought it was substantially accurate.

You stated that one of the persons said something about the withdrawal of the stake? Who was that?—I cannot say.

Now, referring to the memorandum which you made in your diary of Thursday, the 11th: "On returning to Tranby after the races, Lycett Green came to my room and asked my advice under the following circumstances. It appears that on the night of Monday, the 8th, his brother-in-law, J. Wilson, had seen a member of the party cheating at baccarat, his *modus operandi* being to slip counters on the table surreptitiously after the cards were shown. It was determined to watch the play on the following night, when Mr. Lycett Green, Mrs. Wilson, and young Levett saw cheating on the part of Sir William Gordon-Cumming." Are you now aware that Mr. Levett did not see any cheating on the second night?—I heard him say he saw cheating on one night.

Did you not hear him say so in Court?—I don't remember it.

Then your diary is inaccurate?—It may be so. It was my general impression of the case that I put in the diary.

The diary goes on to say that General Williams and you determined to lay the matter before the Prince of Wales, at the same time suggesting a course to be followed, of which His Royal Highness approved?—Yes.

And then "General Williams and myself saw Sir William Gordon-Cumming"?—I may say that that is inaccurate. I did not set down everything in my diary in order, but that was the ultimate arrangement arrived at. I did not pretend to set things down in order, but to refresh my memory. The diary is wrong in stating that before we saw Sir William Gordon-Cumming we had agreed upon the course to be followed. That is not so. That was later.

Are you sure the diary is inaccurate in that respect?—I am certain it is. Nothing was absolutely concluded until after the interview.

No, but that is not the point. The point is that you had determined on suggesting the signing of the document and the keeping it quiet before you saw Sir William Gordon-

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Cumming?—No doubt it was suggested that it was desirable to keep the thing as quiet as possible.

And had been suggested to His Royal Highness?—I do not think so.

Now let me ask you, how came you and General Owen Williams, with regard to a friend of yours of many years' standing, to be talking about his signing a document which would be an admission of his guilt before you mentioned the matter to him at all?—The document had not been drawn up before we saw him.

That is no answer to the question. How came you and General Owen Williams, friends of the plaintiff of many years' standing, to be talking about and suggesting the signing of a document which would be an admission of his guilt before you saw him?—We thought it was the only way out of the difficulty.

You did not know at that time whether he would deny or admit?—We did not.

And, as a matter of fact, during the whole of that interview it received the most peremptory denial from him?—Yes.

At the time you were talking about the only way out of the difficulty had you heard any detailed statement from anybody except Mr. Lycett Green?—Oh, yes.

From whom?—From Mr. Stanley Wilson.

From anybody else?—No.

How was it you did not mention either in your diary or in the précis that Mr. Stanley Wilson had made any detailed statement?—I cannot remember what I did say in my diary; but he came into my room shortly after Mr. Lycett Green, and Mr. Lycett Green called upon him to repeat what he had seen.

Now, you have spoken of the interview with His Royal Highness, at which I understand Mr. Lycett Green was the principal spokesman, and questions were asked of the other two. Is that so?—Yes; but I would not limit myself to the two. Questions may have been asked of others.

Mr. Lycett Green was there?—Yes.

Mr. Berkeley Levett?—Yes.

Mr. Stanley Wilson?—Yes.

Mrs. Wilson?—No.

Mrs. Lycett Green?—No.

The Somersets were there?—Yes.

Do you suggest that any questions were asked of them?—I do not think so.

Now, you heard Mr. Levett's account of what took place between His Royal Highness and himself. Does that accord with your recollection?—Yes, it does; but I should like to explain about that. There may have been some question

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which I did not catch. I was sitting at the end of the Court.

Referring again to the précis which you signed, in which it is stated that it was suggested that, for the sake of all concerned, the matter should not be allowed to transpire, but that, as a condition of silence, Sir William Gordon Cumming must sign an undertaking not to play cards for the rest of his life, who made the suggestion originally that Sir William should be made to sign the document; did you?—I should not like to take it on myself to say, but General Owen Williams and I agreed that it would be better to have the matter hushed up.

Do you remember Mr. Lycett Green saying that something must be signed as a protection to him?—Yes.

Do you remember at what interview he said that?—I believe that that was when we produced the written undertaking and read it over to the witnesses, and asked them if that would satisfy them, but I would not like to swear to it. I believe it was.

I suggest to you that Mr. Lycett Green said something about the document being a protection to him?—Mr. Lycett Green from the first wished to have the matter out at once, and we asked him if he would sign this condition to preserve secrecy. He at first demurred, and said that, whilst the facts were fresh in memory, and he had his witnesses there, he would rather have it settled then and there.

But there was a time when Mr. Lycett Green said that something must be signed, or else Sir William Gordon-Cumming would bring an action against him at a time when he could not prove anything?—I don't remember him saying anything about the signing of the document.

But you do remember something being said about Sir William bringing an action?—Yes; I think that was at the interview when the undertaking was read over to the witnesses.

At that time had Sir William Gordon-Cumming signed it?—No; he had not.

Had he seen it?—No.

Had it been mentioned to him?—I think not.

Now, when this was first put to Sir William, you told us that he refused to sign it, and spoke about his commanding officer and the commander-in-chief?—That was a little later.

Did you at that time tell him that the signing of the undertaking was the only way out of the impasse?—No.

Did you hear that said?—No.

Did General Owen Williams in your hearing tell him that his signature afforded the only possible way of avoiding



Mr. H. H. Asquith, Q.C.

Evidence for Defendants.

Lord Coventry

a horrible scandal, and that you and General Owen Williams believed he would have no chance of contending against what would be alleged?—I do not remember saying that.

Do you remember General Owen Williams saying that in your presence?—No, I do not.

Did it not occur to you at any time that evening, Lord Coventry, that the course which Sir William Gordon-Cumming would have to take in consequence of his signing the document must result in the matter being talked about?—It did not.

Sir William told you that he was in the habit of playing cards with the members of the mess?—Yes.

Did it not occur to you that if he left off that habit, and refused to play any more, some questions would probably be asked?—No; it did not occur to me.

And you never thought of the difficulty he would be in in explaining his giving up play?—No; I thought he could easily find some excuse.

Did you think of any excuse that could be offered?—No.

And you cannot think of any now, can you?—No.

Did you know at that time that Sir William Gordon-Cumming had been invited by the Duke of Fife to stay at Mar Lodge?—I did not.

Nor did you, I suppose, know anything of the suggestion that he should not go there?—No; I did not at the time.

As matters stood upon the evening of 10th September, the party was invited to remain there and go to the races the next day?—Yes.

Were you a party to the suggestion that Sir William should leave the house the next morning early?—I was.

Did it ever occur to your mind that that would cause inquiry?—No. We were all going to leave the next day in consequence of the death of Mrs. Wilson's brother, and Sir William Gordon-Cumming would have left with the other guests.

But I thought in your examination-in-chief you said that he thought of going to the races next day with the party, and you said that under the circumstances it was quite impossible?—Yes, quite impossible.

Quite impossible after what had taken place he should remain in ordinary intercourse with the other members of the party?—With those who had accused him, certainly.

Did it not suggest itself to you that it would create suspicion and inquiry?—Well, I thought he would probably find some excuse.

He might tell some lie?—That he might say he was called away, or something of that kind.

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Which would not be true?—I supposed that if he was forced to give a reason he would endeavour to find one.

As near the truth as he could get?—Yes.

The LORD CHIEF JUSTICE—In society you sometimes say you deeply regret to have to decline an invitation when you are very pleased, and do not wish to accept it.

Cross-examination continued—While this matter was going on with regard to the signing of the ultimatum were cards being played?—I cannot say.

Did you play cards that night?—I cannot recollect whether I did or not. I was occupied the whole of the evening with discussing this matter.

Have you heard that cards were played that evening at the house?—I do not think I have.

Speech for the Defendants.

Sir CHARLES RUSSELL—Gentlemen of the jury, I am sure that you will rejoice, as certainly I rejoice, that we are approaching the end of this very distressing and melancholy case. We all recognise—and I venture in this regard to speak for those who represent the plaintiff as well as those who represent the defendants—the close and anxious attention that in the discharge of your painful duty you have given to the evidence laid before you. My task is now a comparatively light and simple one. Something I must say about some collateral topics that have formed the great staple in the lengthy cross-examination of the various witnesses by my learned friend, but my main purpose will be to direct your attention to the real question, namely, whether it is established by evidence satisfactory to your minds and consciences that upon the nights of 8th and 9th September of last year Sir William Gordon-Cumming cheated at cards. That is what the defendants have said, and if it be the fact that cheating is established it will be your duty to say so, however distressing the performance of that duty may be. I have said that collateral topics have been introduced, and you cannot fail to have observed the altered tone pursued by the learned counsel who represent the plaintiff since the damning evidence given by and on behalf of the defendants has been put before you. Do you recollect the eloquent speech of my learned friend, the Solicitor-General, and the careful and elaborate way in which he brought it to your minds that it was not in the remotest degree in the mind of Sir William Gordon-Cumming to suggest that there would be any intention on the part of these defendants to tell you

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anything but what they believed to be true? I appeal to the statement, supplemented by the admission in the language used on another occasion by Sir William, but adopted by him as his then opinion as a witness in the box when he said that the worst of the case was that these defendants conscientiously believed that they saw him commit the acts of cheating which they alleged they saw. Gentlemen, you can now understand why the tone of the Solicitor-General in opening the case was one of almost prayerful entreaty that even at that stage the defendants might make up their minds to save their honour, their credit, in the face of the denial which would be given by Sir William Gordon-Cumming in the box, and that they would say that they were mistaken. Gentlemen, it was impossible that such a course could be taken. Had it been possible that such a course could have been taken by honest and honourable persons, it would have been. I think I may claim as descriptive, not merely of the substance, but the manner in which one and all the defendants have given their evidence, that, although they have said hard, damning things of Sir William Gordon-Cumming, they have spoken "rather in sorrow than in anger." And yet, although I claim that to be true, my learned friend, in lack of better and more relevant topics, thinks it right to cross-examine Mrs. Wilson in the manner in which she was cross-examined this morning.

I wish to say a word or two on the points suggested in that cross-examination, reminding you, as I have already done, that the question is not in this case as to the most complete wisdom or propriety of the conduct of Mrs. Wilson, but whether she tells the truth when she deposes on her oath as to what she saw Sir William Gordon-Cumming do. He said that on the 8th she ought not to have allowed baccarat at all. My learned friend, placing himself for a moment upon an exalted pedestal of propriety, suggests that because on one occasion some months before Mr. Wilson had objected to the game being played, she ought to have said she would never allow baccarat at all. But on both occasions her own husband, who might properly be held to be a judge of what might be played in the house, himself sat down and played, and I think Mrs. Wilson might have been spared the cross-examination of her conduct on this head. Then he said she ought to have told her husband on the evening of the 8th, but she gave her reason, and that was that the Prince had expressed a wish that there should be a proper table next night. The table was prepared in the ordinary way, and, as in the opinion of Mr. Stanley Wilson and his mother, cheating would be impossible, and that there would be no recurrence of the scene of the previous evening, she said

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nothing to her husband to disturb his mind. Then my learned friend, passing to the next night, asked her why, on receipt of the note from Mr. Lycett Green, she did not stop the game. Why, to stop the game would have been the very way to have caused a scandal then and there, and, worse than that, to have caused a scandal and to have fixed the blame of it upon Sir William Gordon-Cumming, whose name must have come up in connection with it, without in the first instance affording him an opportunity of explanation. No; what she did was reasonable under the circumstances. At the end of the game she pointed out that they had had a hard day, and the game soon came to a close. I am not going to discuss again the character of the game of baccarat. I have said I agree very much with my learned friend's description of it—that it is not a game which seems to leave much play for the higher faculties, or leaves much room for ingenuity. But it is a game which, played under proper conditions and for moderate stakes—moderate in relation to the position and means of those playing—would appear to be a game of not so grievously objectionable a character.

So much in reference to Mrs. Arthur Wilson. What is the next irrelevant topic which is introduced—I cannot but think ungraciously—I am not using the word in reference to the Solicitor-General—and that is the attack upon General Williams and Lord Coventry—an attack which is presented in a double and a somewhat inconsistent aspect—an attack which begins by denouncing these gentlemen for their advice, which suggests that they could not have believed that their friend of years' standing was guilty, and which goes on to suggest that they came to a premature conclusion and to improper conclusions as to his guilt; that they could not have believed him guilty because they allowed him to continue his career in the army, and that they were unjust to him in condemning his guilt, because they had not a full and elaborate statement of the evidence maturely considered by them before the decision to which they came. Which of these inconsistent positions am I to examine? That they believed in his guilt is undoubted. That fact is established, not merely by the oath of these two gentlemen. That my learned friend will not attempt to question. It seems to me that if they did not believe him guilty—a man who, in the case of General Williams, was a friend of long standing, and in the case of Lord Coventry of some years' standing—they could not have been parties to advising him, as unquestionably they did advise him, to sign a document which, from the position in which he was placed, was a dishonouring document—a document therefore which no man, not merely of

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high honour, but no man with a glimmering of honour and intelligence, could have advised a friend to sign unless he found it impossible to disbelieve the story of five witnesses, conscientious—believed to be so—intelligent, and with every interest not to raise this cloud of suspicion. They could not believe—you cannot believe—that these five witnesses, in the position in which they were placed, who either spoke of different times, some of them of different instances, and some of them from different standpoints, could concur in fastening this damning story of guilt upon Sir William Gordon-Cumming. But if there could have been any doubt remaining in their minds, Sir William Gordon-Cumming's demeanour speedily removed that doubt.

It is very true that they, very early in the case, considered the question of whether some document such as was subsequently signed, in the hope and belief that it would secure secrecy, might be a way out of the difficulty; but when the suggestion was made is immaterial. Whether it ought to be done or not depended on the attitude of Sir William Gordon-Cumming. And what was that attitude? He denied, ay, strenuously denied, that he was guilty. An innocent man would so deny it. Gentlemen, a guilty man would so deny it. But an innocent man would have done more than deny it. I ask you to put the question to yourselves: if under such circumstances a similar charge had been made against one of you, and you knew your accusers were within the house, within such easy access that a touch of the bell would in a few moments have put them in your presence, would not the first impulse be not merely to ask, "Who are my accusers?" but, "What do they say I did; when do they say I did it; how do they say I did it? This must be some fearful mistake which my explanation can dispel. Bring me to them face to face." Then the suggestion is that these ignorant and inexperienced people were mistaken—that they mistook a systematic, cool, adroit system of play for an act of cheating. It is suggested that this is the simplest thing in the world to explain—that when one piece was seen one moment, and another the next moment, and another piece then added, making three, Sir William Gordon-Cumming was practising the *coup de trois*. Good heavens? Why was not that suggested at Tranby Croft? We had a suggestion a little later—that it was not the *coup de trois*, but it was the *masse en avant* he was practising. That is at present a mystery to me. I have not heard it explained. I do not know what it is. Sir William, in the witness-box, never suggested it, and, as I shall presently show you when I come to examine the real evidence, none of these theories, thrown out in the hard necessities of a difficult position, will explain

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the character of this action. I say Sir William Gordon-Cumming's conduct on that occasion built up the impossibility of General Williams and Lord Coventry disbelieving the statement spoken to by three persons and vouched for by two others.

If what I have said up to this point carries your judgment with it, I have one more point to make here. Who were the people face to face with Sir William Gordon-Cumming in his moment of trial and of difficulty? One of them his dearest and most intimate friend of long standing; another who had known him for years; the third the Prince, who, to use my learned friend's language, had honoured him with his intimacy and his friendship. Surely it would have occurred to an innocent man not how this thing could be kept from the rude knowledge of the world, but to have said, "You are to me the world. You are the friends I am most intimate with; whose respect I prize most highly; whose good estimation I could not bear to forfeit." Yet he, in the circumstances, when judgment of condemnation had been passed against him by each one of these three men—he is content to sign that document so humiliating and degrading. We have heard a great deal about the motive impelling Lord Coventry and General Owen Williams to give this advice, and the words "scandal" and "horrible scandal" have been more than once used. I pointed out to you what the horrible scandal was. The horrible scandal was that a man of Sir William Gordon-Cumming's status was accused by five persons of cheating at cards. The suggestion is not with regard to Sir William's part at all, or the truth or falsity of the charge, but that these gentlemen wanted to hush it up for the purpose of preventing a scandal which would affect other people besides Sir William Gordon-Cumming.

The SOLICITOR-GENERAL—I did not put it that way.

Sir CHARLES RUSSELL—I understood that from the cross-examination, not from the opening of my learned friend. If I understood the cross-examination, that is the suggestion which he is going to make in the pinch of dire necessity. My learned friend used the expression that baccarat is an innocent and harmless or moderate game, and so it is. I am glad we have before us the memorandum of Lord Coventry, for it shows in what direction there was operating the consideration of the question of scandal. It was desired to consider the position of the Prince of Wales and the host and hostess, and then it said, "We conceive that we have done our duty to society as far as the circumstances of the case admit by insisting that the accused should never play cards again, but at the same time we feel that the accused has been leniently treated." It comes, therefore, to this, that

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the operation of the desire to avoid this so-called scandal was—and Lord Coventry records that—being more lenient to Sir William than they would otherwise have been. Both these men, believing him to be guilty, offered him the chance of shrouding the thing in secrecy. They pursued that course for the sake of their old friend, actuated by a desire to bring such a scandal to an end.

What does my learned friend next suggest? The Solicitor-General says to Lord Coventry, "You allowed this man to go back to his regiment and to continue in the service of the Queen." I hope it may never fall to the lot of any one of us in Court to-day to have to determine according to the hard, strict lines of justice what we ought to advise to be done in such circumstances as these. I suppose that severe purists will say that, once cheating is detected, and the fact established by evidence reliable, there should be no room for mercy or leniency, that the finger of scorn should be publicly pointed to the man, that he should be driven from his profession, and that all hope of redemption should be taken away from him. It may be; with that I do not hold. In the hard exercise of a duty exceedingly painful, no such course as that may be required. But is it not too much to suggest and too much to be suggested by the counsel for the man whom they honestly believed, rightly or wrongly, that they were acting leniently with, that they should be treated now as coming into the Court and not believing at the same time this man was guilty because they do not issue against him a verdict of irrevocable condemnation? General Owen Williams and Lord Coventry are not my clients, but I may say, as their friend, that I challenge the verdict and judgment of you gentlemen of the jury, whether their conduct—whether wise or not does not matter—was not actuated by a sincere desire to do what they believed to be best under the circumstances of the case and with the most lenient regard to the man concerned.

There are still one or two topics with which I must trouble you for a moment. It was suggested by my learned friend the Solicitor-General about taking a cue from "a parcel of boys"—that you could not rely upon the evidence given by these three men because they were boys, or on the evidence of the ladies because they were described as inexperienced baccarat players. They were not inexperienced. They had played before. They were not, certainly, so far as we can judge, habitual players of the game, but they had played it frequently before, and, in the name of goodness, what has experience to do with the point we are discussing? It is known that you must put down your stake before the cards are dealt, and, therefore, of course, before the cards

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are known. You must not increase your stake after the cards have been taken up; certainly not after the cards are known. It does not need any experience of the game to tell whether or not they saw a particular player furtively and surreptitiously increase his stake when the card was declared in his favour. It does not need any experience of the game, or knowledge of the *coup de trois*, or of the *masse en avant*, to know that if a player, after a coup is declared, is seen under the part protection of a sheet of paper to push a counter over the line, or when his hands approach the line, and when the coup is declared, lay down an additional counter—is that a matter on which it is necessary to bring experience to bear to decide whether that is not a matter of gross dishonesty? How is it, it will be asked, that, there being five or six other people at the table, none of these people saw anything? The Prince of Wales, in answer to my question, gave his explanation. The banker is busy dealing the cards. The players, especially at a friendly game like this, need not exercise extreme vigilance, and nobody thinks of looking to see whether anybody is cheating or not, unless something out of the ordinary occurs. My learned friend suggests that if conscientious persons and intelligent persons come and swear to having seen particular things happen, you are not to believe them because others did not see these things. Five swore positively they saw them; seven did not see them; therefore, disbelieve the five. If it had not been for one circumstance in connection with the first coup on the night of the 8th, so far as we can form an opinion, it is not in the least degree improbable that these things might have gone on. Mr. Arthur Stanley Wilson, the son of the host, desiring to play with the same moderation as the guests, looked round to see what were the stakes. Looking round, Mr. Wilson saw upon a sheet of notepaper in front of Sir William Gordon-Cumming one counter of £5. His attention was diverted, and when the coup was declared he, to his surprise, saw that there were upon the paper three £5 counters where, before the coup was declared, there had been only one. Mr. Wilson was very cautious in his statement, for he did not suggest that he saw anything done by Sir William Gordon-Cumming in relation to these two additional counters. Mr. Wilson's attention had been diverted, and he would not undertake to say that Sir William Gordon-Cumming had not increased his stake before the coup was declared. He was not, therefore, prepared to characterise that as an act of cheating. But it was a startling thing, and one that would naturally excite attention and astonishment. Mr. Wilson accordingly watched what took place.

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However, before I come to the character of the evidence, there is one other topic—I will not call it irrelevant—with which my learned friend has dealt, and that is the comparison which he has instituted between the evidence given by these five witnesses and the record of the document which, I think, has been very unhappily called the *précis* made by General Williams and also Lord Coventry's diary. What was that intended to be a record of? Not of the evidence at all. It was not a question of recording the evidence. The important events recorded were, first, that such a serious accusation had been made; next, that the accusation had been denied by the party accused; next, that the party accused had signed a document—a compact of secrecy, I call it—and that the party accused had signed that document, being told, as he admitted, that it was an admission of his guilt. Each of these things was recorded faithfully in the minute, and my learned friend will agree with me that, so far as details are concerned, it is utterly unreliable and inconsistent with facts. In several details the diary fits in closely with the *précis*; but Lord Coventry has said that he does not remember anything of the charge as to the withdrawing of the stake, though he had some recollection of something being said about increasing it. The defendants are not here responsible for, or to justify, the things which are in the *précis*, to which they were not parties, or in respect of the diary, of which they had no knowledge. They are here to testify to what they said and what they saw. They have sworn in answer to interrogatories that they have kept back nothing, attempted in no sense to modify what they saw, and that they say deliberately and distinctly that he cheated on both nights.

Now I come at last to what is the real question of the case. What is the evidence the witnesses give? Does that evidence bear upon it the imprint of truth? Is it the evidence of witnesses who are without ill motive? Have they borne the brunt of cross-examination? Has anything been imputed to them or can be imputed to them as a reason which would lead you to think that they are other than perfectly credible witnesses? Can you recollect a case, under circumstances of so painful a character as this, where five witnesses have gone through a cross-examination, an able cross-examination, and have left the box so utterly and absolutely untouched by that cross-examination? Has their evidence been that of persons anxious to distort and exaggerate what they saw? It struck me as almost painful to listen, especially to Mr. Lycett Green, who was a great object of attack, and to notice the care he was taking not to commit himself absolutely even to the form of language

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which he used or heard used on the various occasions. The Solicitor-General opened his case by admitting these persons to be persons of the highest respectability, but who might possibly be labouring under a mistake. I was, therefore, a little surprised to hear the suggestion made that as to the arrangement of the chairs at the table on the night of the 9th there had been—if I am wrong I apologise for it, but I certainly did understand the cross-examination of one or more witnesses had been directed to show it—a kind of family compact. Am I to take as suggested, or am I not—that there was this compact concerning Sir William Gordon-Cumming by people to watch him and to treat him as if he were a cheat? I should be glad to think that the learned counsel was labouring under that mental excitement, perhaps irritation, to which we are all subject, and which, God knows, I have often experienced. I should be glad to think that it was this that led him to make the suggestion. What are we to think about the further and the last suggestion—what I may call the luncheon and dinner explanation? I do not know in what direction that suggestion was pointed. Sir William Gordon-Cumming was asked nothing about it. General Owen Williams was not asked anything about it, and it is only when Mr. Lycett Green is in the box that we have the first suggestion that the explanation of this case is to be found in the fact that there was luncheon at the Doncaster Races and dinner at Tranby Croft in the evening. I like things not to be obscurely hinted at. If weight is to be attached to them I like them to be mentioned plainly, openly, and straightforwardly. Are my friends going to suggest that Mr. Lycett Green had lost his head, and because he had lunched too freely and dined too freely? Or that the other witnesses had lost their heads? This witness, Mr. Lycett Green, is the last man who would be in a condition so that he could not give you an accurate account. No, there was no ground for it, and there is no ground for suggesting it. And yet such a suggestion was made, and when the man who made it was in the box as a witness, he was not even asked a single question upon it. I am glad I have come at last by slow stages to call your attention to the evidence.

The Court adjourned.

Speech for Defendants.

Sixth Day—Monday, 8th June, 1891.

Speech for the Defendants—continued.

Sir CHARLES RUSSELL—Gentlemen of the jury, I have a grateful recollection of the attention you were good enough to pay to the observations I addressed to you upon Friday, and I do not intend to repeat anything I then said; indeed, I hope that it will not be necessary for me to make a very lengthy demand upon your attention, although I feel that you will not grudge the necessary time for the elucidation of this matter. I therefore on this occasion go straight to the consideration of the direct evidence incriminating Sir William Gordon-Cumming, and you, I am sure, will be able to discriminate between the relative value of direct evidence such as has been given, and the suggestions which will be made, and which in the discharge of his duty must be made, by my learned friend, to induce you to come to a different conclusion. This evidence excludes the possibility of doubt. It must be dealt with not on the lines on which he has hitherto dealt with these witnesses, or on the lines on which Sir William Gordon-Cumming has dealt with these witnesses—as conscientious witnesses, honestly believing that they saw what they say they saw. The only course open to my learned friend, so far as I can see—if, indeed, it is a course that it is possible for him to take, for a hopeless one it must be—is to pronounce the whole of this story an invention. There are eleven unquestionable and undoubted acts of cheating; if the withdrawal of the hands was an act of cheating, twelve; if the first coup which Mr. Wilson noticed was an act of cheating, thirteen. See the chain of evidence. Mr. Stanley Wilson's attention drawn by a startling occurrence; he watches and sees cheating. Mr. Levett's attention drawn; he repels the accusation with some indignation; he sees it. Mr. Lycett Green sees it; walks out of the room; informs Mrs. Wilson, his wife's mother, of what he saw; she sees it. Mrs. Lycett Green also sees it. Now I come to the next stage in the story—the conduct leading up to and resulting in Sir William Gordon-Cumming leaving the house on the early morning of the 11th—a house to which he came as a friend, and apparently on the introduction of the Prince of Wales—a

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house which he left on the morning of the 11th, seeing no one, but leaving it with the full knowledge that he was leaving behind him a blasted reputation. Attacks have been made—polite attacks I admit them to be—upon Lord Coventry and upon General Williams by my learned friend, but I think you now see that the judgment of condemnation at which those gentlemen arrived—you may have thought at one moment precipitately arrived—was a judgment inevitable in view of the evidence. If confirmation were needed to bring conviction of guilt to their minds, that confirmation came from the acts and from the conduct of Sir William Gordon-Cumming himself. He stood doubly condemned—condemned by the independent testimony of those witnesses who had no motive against him, but every motive to prevent a scandal in Mr. Wilson's house; doubly condemned by his own conduct when he is brought face to face with the accusation. It has been suggested that, from the very first, and before Sir William Gordon-Cumming signed the paper, that it had been decided what should be done. Lord Coventry says, "No; we did not know what would be Sir William Gordon-Cumming's attitude towards the charge"; and although the truth may have suggested itself to their minds, because they found it impossible to disbelieve the story coming from these unimpeachable witnesses, as Lord Coventry properly says they could determine nothing in the matter until they had seen Sir William Gordon-Cumming. But when Sir William Gordon-Cumming was told that Mr. Lycett Green, speaking for the accusers, desired to be confronted with him, and when Sir William Gordon-Cumming did not accept that offer, it was impossible for them any longer to doubt. Sir William Gordon-Cumming then felt that he was in the position of a man who must make an attempt—not to meet boldly this accusation, but to do something which would enable him to have some chance at least, under secrecy, to preserve among some portion of his former friends his good name. Was he shut out from opportunity of consideration?

Here I beg to call your attention to the fact that Sir William Gordon-Cumming's evidence upon immaterial points, as well as upon points which are material, is not shown before you to be reliable evidence. In the first instance, he has denied that he was informed that Mr. Lycett Green desired to be confronted with him. It is proved by three witnesses that he was so informed. Sir William Gordon-Cumming does not accept that opportunity of meeting his accusers face to face. Gentlemen, is it conceivable that any man who was innocent should pursue such a course? He told you, forsooth, that he did not ask to be

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confronted with the evidence, because he was not advised to seek to be confronted with them. Why, the first impulse, I suggest to your better judgment, of an innocent man, of an innocent mind, would be not to wait for advice, but to insist upon his accusers being brought before him and telling their story, and to hear his explanation—if explanation there should be—to the charge so conveyed to him. Ay, and what more necessary, if there were any truth in the feeble suggestion now made about the confusion of these witnesses in mistaking the deliberate acts of cheating for evolutions of the coup known as *masse en avant*. There was not a syllable of the like suggestion in any of the intervening intervals from 11th September down to the moment that Sir William Gordon-Cumming appears as a witness in this Court. He again is contradicted. Another material point is that he denies that he made any reference to the Duke of Cambridge or to his commanding officer. It is sworn by Lord Coventry, it is sworn by General Owen Williams, it is sworn by the Prince, that he did. and the answer was, “By all means, if you like, do so, but I do not think the Duke of Cambridge or your commanding officer will be so lenient to you as we propose to be, or as we have been.” And we have, finally, got in the memorandum of Lord Coventry the significant statement that, while consideration for the feelings of Mrs. Wilson operated on the minds of General Williams and of Lord Coventry, the desire to avoid the scandal of a man of supposed good character being mixed up with so discreditable a transaction occurred to the minds of both, and Lord Coventry’s memorandum shows that it operated upon their minds in the direction of making them deal more leniently with Sir William Gordon-Cumming than they otherwise would have done.

Now I come to the signed paper, and as regards that paper I have only to make one or two observations, for I have already dealt with it on a previous occasion. You will remember that this gentleman, the plaintiff, Sir William Gordon-Cumming, who says he lost his head, read the paper, did not sign it precipitately, rightly construed it as a virtual admission of his guilt, was told by General Owen Williams and by Lord Coventry that he was quite right in so regarding it, protested that he was innocent, and nevertheless signed it, being told at the time he signed it that it was an admission of guilt. We have up to this nine persons, including the plaintiff, taking part in this distressing story. We have five persons who believe he cheated, swearing unmistakably that they saw him cheat, and telling you how they saw him cheat. We have three others—the

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Prince of Wales, General Owen Williams, and Lord Coventry—friends of Sir William Gordon-Cumming, who heard the accusation against him, who heard the persons who made it, and who arrived at the conclusion that Sir William Gordon-Cumming was guilty. We have, therefore, eight out of these nine actors in the story who have come to this clear conclusion of guilt, and we have the ninth—Sir William Gordon-Cumming himself—admitting that he was told before he signed the document that it would be regarded as, and was, an admission of guilt. If any excuse or explanation was possible of his signing it on the night of the 10th, if on cooler reflection he came to the conclusion that he had done an unwise thing, why did he not say so? And why did he not act as if he thought so? I will remind you of three letters. The first is a letter in which, on 11th September, he is told by General Owen Williams: "We have no desire to be unnecessarily hard upon you, but you must clearly understand that in the face of the overwhelming evidence against you it is useless to attempt to deny the accusation. So long as you comply with the conditions you have signed silence will be strictly maintained as far as we are concerned. In this we have dealt with you as old friends and in your own interests, and we must plainly tell you that we consider we have acted quite as leniently as we possibly could under the painful circumstances of the case." That was in answer to a letter in which Sir William Gordon-Cumming expresses doubt whether he was wise in signing, and refers to their advice in the matter. When he got this letter why did he not then—cool and collected as he was; as, indeed, he was at the time he signed it—take his stand and say, "I made a mistake. I will now do that which, if I am to be regarded as an honest gentleman and as an innocent man, I ought to have done before." What is his answer? It is very significant—very significant. He acknowledged the letter on the 12th, and he says: "I had hoped that you, at all events, would have seen your way to giving me the benefit of any doubt in the matter"—this, remember, is the language of a supposed innocent man—"but it seems this is not to be. This secret is in the hands of far too many to remain one long, and I have little before me to make life worth living." Why had not he? Why did he not then have the manhood to assert his innocence? When the memory of the facts was fresh, why did he not take further steps? Finally, gentlemen, this chapter closes with the letter of 15th September, written from Scotland, in which he says again to General Williams: "Thanks for your letter of the 13th. You can well understand how deeply I feel

Speech for Defendants.

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the great kindness and friendship you have shown me in the matter. I have taken your advice about Mar."

Now we go on to January. In January he sees and corresponds with three actors in this story. He sees and corresponds with General Williams, Lord Coventry, and Mr. Levett. I agree with the Solicitor-General when, in his cross-examination of Lord Coventry, he pointed out that it is very difficult to suppose otherwise than that the secret should in some way or other leak out. Attention would be drawn to the fact that he had given up play, and that would be noticeable in a man who had habitually played during a considerable portion of his life. Then chance observations would be made which, to Sir William Gordon-Cumming, might betray, or appear to betray, knowledge on the part of his observers, and so, thinking the secret was there, he might be tempted to tell the whole story himself. Once set going one can imagine how the matter would be kept going. But the position was that by the end of January he resolved that there was nothing for it but to tell Colonel Stracey, and to see whether he could not be allowed to retire upon half-pay. But something more must be done. It would never do to go to Colonel Stracey and say, "Five unimpeached and unimpeachable witnesses are prepared to swear to eleven or twelve distinct acts of cheating." That would be hopeless. You may judge of the character of his correspondence with General Owen Williams and Lord Coventry from the account which Mr. Levett gives us, and which I feel certain you will implicitly accept as true. On the 25th he sends a note to Mr. Levett, "Can I see you?" Mr. Levett writes back and says, "I will come to your house in Harriet Street and see you at such an hour." He goes. "I suppose you know what I have sent for you about?" says Sir William Gordon-Cumming. Mr. Levett supposes he does. "Cannot something be done? Can you see Mrs. Wilson and do what you can for me?" Can you doubt that that took place? Sir William Gordon-Cumming again has given us on oath a denial of the statement as to what Mr. Levett was to do. He says that what he expected of these ladies and gentlemen was not a softening down of the story, but a retraction. Young Mr. Levett positively swears that it was not retraction—that retraction was not mentioned—but that he was deputed to get these witnesses to say that they were mistaken, being himself first asked whether it was not possible. You recollect the incident as told by Mr. Levett—"Do you believe that I cheated?"—and Mr. Levett having the manliness to say to Sir William Gordon-Cumming, under difficult circumstances, "I cannot disbelieve my own eyes, but for the sake of the regiment, and for your sake, I am

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willing to say that I may have been mistaken; but I know that there is one man who will not recede from what he has said." He then mentions the name of Mr. Lycett Green. Sir William Gordon-Cumming afterwards sends round again to young Mr. Levett to know the result of his mission, and Mr. Levett telegraphs for Mr. Arthur Stanley Wilson, who comes to town. On the 26th Mr. Levett tells Sir William Gordon-Cumming that the result of his mission is a failure and that nothing can be done, and then Sir William Gordon-Cumming concludes that the matter must be fought out to the bitter end. Messrs. Wontner, the solicitors for the plaintiff, send letters threatening this action, and when Mr. Levett says to Sir William Gordon-Cumming, "I have a nice communication from your solicitors this morning," threatening an action against the very young man whom he had been employing as mediator in this matter—the observation of Sir William Gordon-Cumming is, "Oh, yes, but that need not go on."

And so, gentlemen, we find this—that the plaintiff—Sir William Gordon-Cumming, was content, in the eyes of his most intimate friends, to be regarded as a detected cheat. God knows, gentlemen, it is not pleasant for me to use these words, but they must be used. He was content to be regarded by these five accusers in the same category with detected cheats. He was content to live under that odious imputation so long as this was kept secret. Nay, more. He then makes an attempt to leave the army, and for that purpose prays the assistance of one of these very accusers; and it is only when he is told by Colonel Stracey that the signing of a confession of guilt was an unpardonable act that could not be overlooked, it is not until then that he embarks in this attempt to vindicate his character by seeking in this action to condemn these defendants as wilful and unjustifiable calumniators of his name. That is the story, and there is no need to say much more. His state of mind at that time was shown by the letter that he wrote to General Owen Williams, and in which he told the General that if nothing could be done there was nothing left for him to do but to vanish or cut his throat. Sir William denied that he wrote any such letter or used any such phrase to General Williams; but that is for you to judge. Then there is the interview with Mr. Levett—Levett, who repelled the suggestion of his being mistaken, who would have been only too glad if he could have arrived at a conclusion of his innocence, and have been able even to soften down the accusation against him. No doubt there will be topics of prejudice to which my learned friend will appeal. He may seek to appeal for prejudice against Mrs. Arthur

Speech for Defendants.

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Wilson and against those who took part in this game. He may appeal to prejudice in pointing out that Mrs. Wilson did not take the wisest course when this accusation was made against Sir William Gordon-Cumming, although I must say I myself do not see that Mrs. Wilson has much to reproach herself for. He may, too, make an attack on Lord Coventry and General Owen Williams, who, in his letter of 28th January, showed how far he was ready to go in order to help the man whom he had known for years, and in which he said, "You may tell Colonel Stracey that you signed the document under pressure." Yes, indeed; but General Williams has told us that the pressure under which Sir William Gordon-Cumming signed the document was that if he did not sign it he would be denounced as a cheat on Doncaster Racecourse, and the difficulty was not in getting Sir William Gordon-Cumming to sign, but to get Mr. Lycett Green, as representing these accusers, to accept that signature as closing this painful incident.

Now, these are topics of prejudice which may cloud the reason, but which certainly will not be intended to help you in this matter. Your judgment in this matter must be that of the evidence in the case, and to prove the facts of the case. How, then, stands the controversy? On the one side you have the oaths of five witnesses, unimpeached and unimpeachable, and on the other side you have the denial of a man whose own conduct deprives that denial, given as it is now given, of any real weight. That is the state of things. Sir William Gordon-Cumming is tied hand and foot by a chain of evidence not one link of which has been broken—by a chain of evidence from witnesses against whose fame and credit no suggestion has been made, and who have passed scatheless through the searching fire of cross-examination. Have you any doubt, can you have any doubt, where in this controversy the truth lies? I and my learned friends have done our best to discharge our duty, and to put the facts fully before you. We have been obliged by the necessities of the case to say hard things. We have tried to avoid saying those hard things as far as it was possible to avoid it in the language of offence. You must now do your duty. So far as I am concerned I leave the case in your hands, with the fullest confidence that the truth will prevail, and that justice will be done.

Reply for the Plaintiff.

The SOLICITOR-GENERAL.—May it please your lordship, gentlemen of the jury—a week ago to-day I spoke of the honour and the responsibility given to my learned friend and

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myself when representing Sir William Gordon-Cumming in this case. I am still as grateful for the honour; responsibility has deepened as the days have gone on; and it is with a sense of personal responsibility in dealing with the gravest of issues that I am going to ask you now to give me your sustained and your careful attention, while, dismissing as I shall (and my recorded speech shall bear me witness of it hereafter) every topic which could be called a topic of prejudice alone, I take you through the facts of this case, and the evidence you have heard, and from the calmest judgment you are able to bring to bear upon the most serious issue on which it was your duty to pronounce, I shall ask a verdict for Sir William Gordon-Cumming in this case.

Gentlemen, the responsibility is a grave one. I am spoken of in this Court by an official title, which it is the great honour of my life to have been allowed to bear, but in this case I am not Solicitor-General, I am a private English barrister, bound by the obligation of the robe he wears to disregard private friendships, political associations, personal interests, in the discharge of his duty towards his client. No duty could have been more painful to me than to have to cross-examine and to have now to comment upon the conduct of one of the witnesses in this case, for whom I have always entertained and do entertain the greatest regard and respect; but those comments must be made; and my responsibility goes further, and here, in the Royal Courts, where justice is administered by the judges of the Queen, I shall speak freely even of the most illustrious of my fellow-subjects. It is not I who have sought the conflict in this case. My learned friend, Sir Charles Russell, has again and again commented on the difference of tone that has come to me in conducting this case from that which I used when I made my speech last Monday. Gentlemen, I confess I am not sorry for it. Any one who will read with care what I said last Monday will acknowledge that at that time, and having regard to what might be the course of the case, I was justified and even bound to be as moderate as I was in observations on those who were parties to the case. I was mistaken in my estimate of the Wilson family. I thought that when that Scotch gentleman and soldier had, in the witness-box upon his oath before you, said that on neither of those nights had he been guilty of any act of cheating at cards, possibly they might feel it their duty to say, "Against such a denial as that, we do not dare to place our recollections, our impressions, never then recorded, now recalled in consultation between us for the purpose of this case; we do not venture to put those impressions and recollections, when so grave an issue is before the jury as

Reply for Plaintiff.

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the ruin of that man's life and reputation." I said then, and I think now, that they might have taken a perfectly honourable and a fair course in saying that, having heard that evidence, they distrusted their own untrained observation, and distrusted their own unaided recollection, unaided except by consultation with the other members of the family. It was not alone Sir William Gordon-Cumming who gave that denial in this Court. Witnesses in the ordinary sense he could not call, but he did call twenty-three. Every year of that honourable life that he has passed holding Her Majesty's commission and wearing Her Majesty's uniform, associating with the most illustrious, the most honourable men in the land, received by them upon terms of equal friendship, and never doing an act which diminished in the slightest degree the regard and esteem they felt for him—every one of those twenty-three years is a witness for Sir William Gordon-Cumming against this family accusation. And believing that, knowing that—believing, as I did, that when his evidence had been given it might have been possible that the defendants would have shrunk from this issue, and have accepted his denial, I deliberately abstained from saying any word whatever about either the Wilson family, or about General Owen Williams and Lord Coventry, or about His Royal Highness the Prince of Wales, that could afterwards be quoted to distress or humiliate any one. Gentlemen, my expectation was disappointed. I am not sorry that I made that speech. It has given my learned friend the opportunity of taunting me with a change of tone. To that I am indifferent. Those who read that speech—if any do—hereafter, will consider the circumstances in which it was made, and I think will say that I was justified in the hope that I entertained, and that, having that hope, I was right in leaving things unsaid which would be injurious to the character of others. But, gentlemen, the change has been forced upon me. In that very speech I think you will remember that I said that there might have to be comments made upon the conduct of the defendants before the case was closed, but if those comments had to be made they could be made at a later time. The defendants insist upon having them, and I shall not hesitate to say what I have to say about any and all of the persons who have been called before the Court in this case. They insist upon having them made, not only by maintaining these charges against Sir William Gordon-Cumming in the face of his denial on oath, but by instructing their counsel to make the accusations against Sir William Gordon-Cumming worse, if possible, by denouncing him as a man who, when he had signed the document which admitted

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his guilt of cheating, tried to slip out of the army with his half-pay in order to avoid the opportunity of inquiry and exposure; an accusation for which, as I will show you, there is not one fragment of support in the evidence before you, and an accusation, as I shall show you, which Sir William Gordon-Cumming does not in the least deserve. It is not my fault that the case is fought in this way; but if my learned friend has thought fit to take that course, I doubt not under instructions, then my simple duty to Sir William Gordon-Cumming binds me to deal with the case in a very different fashion from the way in which I dealt with it a week ago.

Gentlemen, my learned friend, in the beginning of the speech to which you have just listened, correctly defined what the question was that you will have to deal with in this case. He said the real question is whether it is established by evidence satisfactory to your minds and consciences, that upon the nights of the 8th and 9th September in last year Sir William Gordon-Cumming cheated at cards. That is the question—that issue is upon the defendants. If I ever chose to conduct a case of this kind in a way which some of my learned friends think to be wise in tactics and justifiable, I might have had those witnesses in the box in the first instance before Sir William Gordon-Cumming faced you. I might have insisted, when I proved that they had made the statement, upon their coming into the box, that I might know all they were going to say before I called Sir William Gordon-Cumming to answer. That is not the way in which I ever conducted a case, or ever will conduct a case of this kind. In my judgment, if a man comes into Court and makes a claim to defend his honour from the aspersion that has been thrown upon it, that man's place is the witness-box, and the witness-box the first moment he can go into it, there to meet any suggestion or accusation that may be raised against him, and there by prompt conduct, the prompt denial of a gentleman, to clear himself from the accusation made against him. It is Sir William Gordon-Cumming's bitterest pain to-day that while he came to the witness-box at the beginning of the case, exposing himself to that which my learned friend rightly calls and often illustrates, the severe fire of cross-examination—it is his bitterest pain to think that, while he came at the beginning of this case promptly into the witness-box to meet his accusers, he is liable to be told, as he has been told over and over again in words which must have wrung a man's heart to listen to, that he is condemned already, because he has signed a paper that two friends suggested and urged him to put his name to. The question is, is this accusation proved? Presently, and I know you will

Reply for Plaintiff.

The Solicitor-General

forgive me if you think at any moment I am dealing too slowly with this matter or going too much into detail, but presently I will address myself as if this were a commercial question, involving no larger issue than the transfer of a £10 note from one side to the other. I will address myself to the consideration of the evidence which has been given before you, and will examine it in detail.

But now I want you to remember that the first question is, have the defendants proved this charge against Sir William Gordon-Cumming? Your answer to that, which I hope and trust will be in Sir William Gordon-Cumming's favour, would involve another question upon which it is difficult for me to say a single word, but with regard to which I should possibly be misunderstood if I left it absolutely unmentioned. If the defendants have made this charge and the charge is not true, then they are liable to a verdict against them, and they are liable to some damages at the suit of Sir William Gordon-Cumming. When damages have to be dealt with, the conduct of the accuser, the financial position of the accuser or the claimant, all have to be considered. Sir William Gordon-Cumming's means would prevent his wanting any of the Wilsons' money even if he could condescend to accept it, for his own use, and so, although wealthy indeed they are, I should not ask you to measure damages by reference to their wealth, or to the painful gravity of the accusation that they made, but I should ask you to give such amount in damages to Sir William Gordon-Cumming as would be sufficient to show that you absolutely disbelieved the charge against him, and that you desired to record some evidence of that in your verdict.

Now, gentlemen, the case against Sir William Gordon-Cumming is put in two ways. It is put first that the evidence against him is in itself conclusive, and my learned friend three times over on Friday used a strong epithet—rhetorically strong—when he said there was “damning evidence” against Sir William Gordon-Cumming. The second point put against him is that his other friends, the Prince of Wales, General Owen Williams, and Lord Coventry, all believed him to be guilty, and my learned friend has with ingenuity, and with undoubted power, put before you this morning that of these nine persons eight are agreed as to the guilt of the ninth. I said, and I honestly said at the beginning of this case, that I could not imagine that the Prince of Wales and General Owen Williams and Lord Coventry believed Sir William Gordon-Cumming guilty of that which was charged against him. I cannot say that now; for they have been in the witness-box, and General Owen Williams and Lord Coventry have distinctly said that

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they believe him guilty. As to His Royal Highness, he gave an answer to the terms of which I shall have to refer when I am dealing with another part of the case. I am obliged to give up the belief that General Owen Williams and Lord Coventry did not believe him guilty, but were desirous only to avoid a scandal. What consequences may follow from that statement on their part I do not know—consequences outside the Court. The comments that I made as to the impossibility of a man of honour who believes another to have been cheating at cards, allowing him to continue in the service of the Crown, and to continue a member of clubs at which they both were meeting other friends from day to day, and joining in the ordinary and pleasant fellowship of social life—of those comments which I made on them I cannot retract one syllable. They were spoken earnestly and in good faith; there they must remain, although Lord Coventry and General Owen Williams have said that they did believe it. But there is one point to which I do at once wish to refer. It is impossible not to see that, with regard to the signing of that document which was procured in order to protect Mr. Lycett Green from insult or an action at law at the suit of Sir William Gordon-Cumming, it is impossible not to see that the suggestion of arranging the whole case by the signature of a document like that did not come from His Royal Highness the Prince of Wales, but came from two men older than himself, his trusted friends and counsellors, who brought to him for his adoption the suggestion which he, as I venture to think, unwisely accepted. But a word has been said by my learned friend Sir Charles Russell in the course of the last few minutes, of which I must take notice; he has referred to the signing of this document as being in itself, apart from the question of the guilt or innocence of Sir William Gordon-Cumming, an offence against military law so grave that it cannot be pardoned. I do not quite understand if that means that, even supposing your verdict goes in favour of Sir William Gordon-Cumming, the military authorities will continue the inquiry which was suspended because this action was brought, and that they will, even if your verdict declares him to be an innocent man, go on to punish him by removal from the Army List because he signed that document. That is the only meaning I can attach to the words of my learned friend's observation on the matter; but I am bound to add this, that suggestion having been made before you, if you find that Sir William Gordon-Cumming was not guilty of that which is charged against him, and if, as I trust he may, he goes from this Court justified by your verdict, I am bound to say that I think it is impossible, and I hope that these words of mine spoken here will help to make it impossible,

Reply for Plaintiff.

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that Sir William Gordon-Cumming's name should be removed from the Army List, and that the names of Field-Marshal the Prince of Wales and of Major-General Owen Williams should be allowed to remain there.

Now, I desire to deal separately with these matters, the evidence, the inference to be drawn from the belief of General Owen Williams and Lord Coventry, and also with the conduct of Sir William Gordon-Cumming. But I would first make an observation or two to you with regard to the character and value of the evidence which is before you in this case. Gentlemen, you are asked to investigate events which took place on the evenings of the 8th and 9th and 10th September in last year, 1890, and you are asked to deal with those events upon the evidence of eight witnesses who have been mentioned, five of whom made no record whatever of what took place upon that occasion until after the 27th of January in this year, when a solicitor's letter was written to tell them that an action was about to be brought. Let me just ask you to consider for yourselves and answer to yourselves this question—I am content to put it quite frankly to you and take your judgment at once upon the answer—if you were going to investigate circumstances which took place six or nine months ago, would not the first question you asked be, did any one make a record of the transaction? And if you found that the persons who felt most deeply their responsibility in the matter had between them set down on paper what they declared was an accurate record of all the circumstances of the case, would you not accept that record? Gentlemen, that question is of vital importance in this case. My learned friend, Sir Charles Russell, has felt it so, and on Friday devoted a considerable portion of his address to you to what he said was an irrelevant topic. To my astonishment Sir Charles Russell on Friday said that he was dealing with irrelevant topics when he considered the accuracy or inaccuracy of the record which had been kept of these matters; and he went on to say that his witnesses had proved that those statements contained in that record were inaccurate statements. Is it not a most curious thing that after these people saw that record, knew the circumstances in which it had been made, knew the persons by whom it had been vouched, knew the purpose for which it had been preserved and the way in which it had been preserved, that after seeing that they are so determined to force this matter into Court, so vindictive in their action towards Sir William Gordon-Cumming, that their counsel is instructed to say that the very men they appealed to themselves on the night of the 10th of September have altogether forgotten, nay, had in the following week forgotten, the statements which were made to

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them on that occasion? I ask you to consider in what circumstances did the incidents take place, by whom and when was the record made, and what do the people who made that record now say with regard to it? The nights on which these circumstances took place were the 8th and the 9th and the 10th of September, and you have to deal with the evidence as best you can that is given before you with regard to those occasions.

My learned friend has been very anxious that I should denounce the Wilson family as having committed perjury in this Court. He invites me to treat them as having committed perjury. He says that if you find a verdict for Sir William Gordon-Cumming, you must find that they are wilful calumniators. It is a very handsome invitation, but I decline it. It is not my case to you; it was not at the beginning, it is not now, that these people invented for the purpose of injuring Sir William Gordon-Cumming, the story they have told. I do not doubt that on the 10th September they thought that they had seen on previous evenings cheating on the part of Sir William Gordon-Cumming; but when I come to deal in detail with the accounts of those two evenings, I shall show you that what my learned friend calls cumulative testimony is not cumulative at all. With the exception, as I make it out and as my friend admitted might be the case, of one incident, an incident easily explained, and to which attention was called at the time, there are no two persons who allege that they saw any one of the acts complained of, and the different things they say they did see, things incredible as alleged to be done at such a time, at such a place, by a man of such a character, those things are spoken of only by the people who went and took their seats at the table expecting to see what they now tell you they saw. Gentlemen, that matter must be dealt with in detail, but I ask you to consider what was the character of the circumstances at Tranby Croft on these three evenings. I asked a question about the hospitality, the large and generous hospitality of Tranby Croft, and my learned friend has asked, did I mean to suggest that the people there were drunk, and says he likes to have things put straightforwardly and in plain language. I do not think I have a reputation for shrinking from plain language if plain language is wanted, but I said exactly what I meant. The circumstances of Tranby Croft on the evening of the Tuesday, and the Wednesday especially, were circumstances which involved no discredit, no imputation of intoxication upon the guests who were there, or the family who were there, but they were circumstances which would make you very careful before you accepted the random recollections of inexperienced and youthful persons, and interested persons, as to what took

Reply for Plaintiff.

The Solicitor-General

place. One is not always in quite so judicial and calm a frame of mind as you are in to-day, and I should think that Tranby Croft, after a day at Doncaster, the first day when the Prince's horse had won—the horse of the guest of the house had won; the next day with the excitement of the Leger, when a late dinner was followed by card-playing, and drinking and smoking were going on at the card-table—without the smallest suggestion that any one of these persons had disgraced himself by the way in which he had indulged in the hospitality of Tranby Croft—it is quite fair to suggest to you, and I think you will understand the suggestion, that those were not the circumstances in which their observation would be very keen, in which their judgment would be very good, or of which their recollection was likely to be very exact. If, in those circumstances, you find it is only the persons who come prepared to see a thing who say afterwards that they saw it, I think you will admit that the observation about the hospitalities of Tranby Croft is a justified one.

If it is important on the Tuesday when these people were playing baccarat, it is still more important having reference to the record which was made the following week. Now, by whom was the record made? For what purpose was it made? How was it preserved? It was made under the authority, with the cognisance and with the endorsements of the three persons who, if there are any persons who can be trusted as to the proceedings at Tranby Croft on the night of the 10th, are undoubtedly the persons whose recollection you may trust. Lord Coventry, and General Owen Williams, and His Royal Highness, would certainly be less excited than the young people of the family, who had been enjoying themselves at the Doncaster Races on the Leger day, with the pleasant matter floating in their minds that there had been cheating at baccarat at their house last night, and that there probably will be to-night, and we shall find it out. The three men whose evidence, even if they had no record to appeal to, as to the incidents of that night, would be the evidence by which, as I submit, you could be most safely guided, would be the Prince of Wales, General Owen Williams, and Lord Coventry, of those who are called before us. If you were depending upon recollection against recollection now, and you asked yourselves who was the more likely to be correct as to what took place at Tranby Croft on the 10th of September, Lord Coventry or Mr. Lycett Green, is there one of you would hesitate to say that where memory differed you would accept Lord Coventry's word? I would say the same with regard to General Owen Williams; I would say the same with regard to His Royal Highness; and here you have, as the cardinal fact of the case, one which my learned friend

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has tried to get over, but I venture to suggest has tried in vain to get over, that the three persons who, if they were speaking now from their recollection on oral evidence, you would accept as the witnesses of accuracy and truth against the younger people who have been called on the other side—you have not only their evidence, but you have the record which they made within a week after. Now, why was this record made? His Royal Highness gave his account of that record in answer to the few questions which I put to him. I said:

“Q. Did your Royal Highness read that record?—A. I read it. It was sent to me first by General Williams; then I had it sent back so that Lord Coventry should see it, so that both should agree, and it was then returned signed by Lord Coventry.

“Q. Your Royal Highness read it?—A. I read it.

“Q. And did it agree with your own recollection, sir, of what had been stated to you on the 10th of September?—A. It did.

“Q. I believe, sir, that you sealed up the two documents, put them in a packet, and they remained in your possession unseen by anybody until this litigation arose?—A. I sent them to my private secretary, Sir Francis Knollys, under seal, he not knowing what their contents were, telling him to put them in a safe place.

“Q. And they were kept in a safe place at Marlborough House?—A. At Marlborough House.

“Q. Until they were asked for the purposes of this case?—A. Precisely.”

That is His Royal Highness's account, and His Royal Highness was a little more careful as to keeping the secret of this matter than Lord Coventry was, for he sent his document under seal to Marlborough House to be kept by the secretary, who was ignorant of its contents, while Lord Coventry writes out the whole account of the matter with all the details in an eighteenpenny diary, which he was using from day to day for three months afterwards. That is the account which the Prince of Wales gave.

Now let me tell you what General Owen Williams says. I am examining.

“Q. The document which is before my lord is, I understand, in your handwriting, and was prepared by you, and sent to His Royal Highness as a record of the transactions a few days after it had taken place?—A. That is so.

“Q. And while the matter was quite fresh in your memory?—A. Yes.

“Q. And the Prince has told us he sent it back to you in order to be submitted to Lord Coventry, and signed by him?—A. Exactly.

Reply for Plaintiff.

The Solicitor-General

“ Q. Submitted to Lord Coventry for the purpose of verification, it was signed by him, and then remitted to the custody of the Prince of Wales?—A. That is so.”

Lord Coventry is called, and Lord Coventry says that agrees with his recollection of what took place, subject to a little qualification, which he makes as to the withdrawing of the stakes—a matter which I will deal with later on. But, with regard to Lord Coventry and General Owen Williams, the strongest thing of all is the document itself, for that document concludes with the words: “ The above is an accurate statement of all the facts of the case ”; and immediately after these words there are written the names of “ Coventry ” and of “ Owen Williams.”

I put it to you that this is one of the cardinal points of the case. I will show you the immense importance of it in a few minutes; but these five witnesses who come now, and whose evidence is called overwhelming as to the night of the 10th, and is spoken of as overwhelming, as damning evidence against Sir William Gordon-Cumming to-day—these five witnesses come and swear that, in that document, there are six definite and material misstatements of fact. My learned friend, Sir Charles Russell, triumphantly numbered them up on Friday afternoon—error 1, error 2, error 3, going on to error 6 in the course of this single important statement. You are positively asked to condemn Sir William Gordon-Cumming in this case upon the evidence of people who now come, after all this lapse of time, and say that, in that record—verified by those gentlemen who, whatever mistakes they may have made, felt so deeply their responsibility, who felt that the thing might hereafter have to be discussed, who felt that it was of vital importance to everybody that an accurate record of all the facts of the case should be set down and preserved—you are asked to believe the evidence of these witnesses against Sir William Gordon-Cumming, that those gentlemen made six definite misstatements of fact.

One or two of the alleged misstatements of fact are not of very great importance. I will read to you that précis, which has been read; it is called a précis, but it would be more proper to call it a record, because I see that in the course of the evidence—although during the last few days we have habitually spoken of it as a précis—General Owen Williams more properly called it a record of the circumstances. I will read it to you through again before I comment upon it. “ For the Doncaster Race Meeting of 1890, the following party were the guests of Mr. and Mrs. Arthur Wilson at Tranby Croft.” Then comes a list of names which I need not trouble you with. “ On the evenings of the 8th and 9th September the party played baccarat. After

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returning from the races on the 10th instant, Mr. Lycett Green having previously taken counsel with his father and mother, made a statement to Lord Coventry to the effect that——” and there they set down the statement which in their belief, and according to their recollection, Mr. Lycett Green made; but Mr. Lycett Green tells you to-day, or in the course of this case, he never made that statement at all—that two of the matters contained in the statement as set out there were never said by him at all on that evening. I ask you to believe the document, and I urge upon you that in a case of this gravity, nay, in a case of any gravity or importance at all, when it is a question of word against word, the evidence supplied by that document—or a document of that kind—signed by persons in the position which was then occupied by Lord Coventry and by General Owen Williams, ought to overwhelm any amount of recollection such as that of Mr. Lycett Green.

I ask you to note what the statement was that Mr. Lycett Green made on that evening—the statement as these gentlemen understood it and set it down. “His brother-in-law, Mr. J. Wilson, told him on the evening of the 8th that Sir William Gordon-Cumming systematically placed a larger stake on the table, after the card had been declared in his favour, than he had originally laid down; and when the cards were against him he frequently withdrew a portion of his stake, by this means defrauding the bank. This conduct had also been noticed by Mrs. Arthur Wilson”—still referring to the 8th—“who informed her husband of what she had seen. Mrs. Lycett Green and Mr. Levett having been also made acquainted with the facts, it was agreed they should all carefully watch the play on the following night, when, again, Sir William Gordon-Cumming was observed most distinctly to repeat the same practice. On hearing this, Lord Coventry consulted General Owen Williams.”

Now, gentlemen, that sentence that I have read to you is the accusation which was made by Mr. Lycett Green on that evening, according to the evidence of the document which is signed by these gentlemen as an accurate record. He says it is not what he said on that evening, that he said nothing about withdrawing the stakes, that he said nothing about their agreeing to watch. Which do you believe? That document that General Owen Williams, Lord Coventry, and the Prince of Wales are jointly responsible for, or do you believe Mr. Lycett Green? Ask yourselves the question and answer it. Do you not believe these three gentlemen to be correct in a matter of this seriousness? When you have before you the document which, with all care and delibera-

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tion, was prepared and put away to be a record of the facts—have you any doubt that that statement is true?

Well, gentlemen, I am going on to the other part, but just see how enormously important this is. In the passage which I have read to you already, my learned friend, Sir Charles Russell, says there are six definite misstatements of fact. He says, it states here, "that Mr. Wilson told Lycett Green on the evening of the 8th"; that, it is said, is not true; Mr. Wilson told Lycett Green on the morning of the 9th. "He frequently withdrew a portion of his stake." They say no; Mr. Lycett Green never made such a statement. "That it had also been noticed by Mrs. Arthur Wilson." They say, no; it had not been noticed by Mrs. Arthur Wilson, for she knew nothing at all on the first night. "She informed her husband what she had seen." They say she never did inform her husband of what she had seen, and Mr. Lycett Green never made such a statement. "Mr. Lycett Green and Mrs. Lycett Green, and Mr. Levett, having also been made acquainted with the facts"—they say now that is not true. Mr. Levett was one of the persons who saw the circumstances on the 8th, and he was not acquainted with it by anybody. "That it was agreed they should all carefully watch the play on the following night." They say now that is not true; they say they did not agree to watch the play, and Mr. Lycett Green says he never told Lord Coventry or General Owen Williams that he did; and here my learned friend's overwhelming evidence—upon which you are to condemn Sir William Gordon-Cumming to a fate which my learned friend himself could not speak of without sorrow in his voice—these five people, at the very outset of the case, are confronted with this written document and contradict it on five material points. Well, just let us see what is said about these points. As to some of them, General Owen Williams and Lord Coventry do not know anything; they do not know, and could not know, whether Mr. Arthur Stanley Wilson told his brother-in-law on the evening of the 8th or on the morning of the 9th. They did not know—could not possibly know—the sort of ornamental position that Mr. Wilson appears to hold in his own house; that he, who is the host of the Prince of Wales and all these gentlemen—a man of mature age, capable of dealing with affairs of business and affairs of the world—is studiously kept in ignorance of the whole plot and contrivance that is going on under his roof, to entrap and detect one of his guests. They could not know that. It may be—I dare say it is, from what we have seen of Mrs. Arthur Wilson—a fact that she did not tell her husband; there were reasons, of course, in the condition of things, why the husband might have been extremely angry

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if the baccarat, played at that house against his wish, should, on the very first night, by the evidence of one of the "hot-headed boys" of whom she spoke (Mr. Stanley Wilson), have led to a scandal like this. But, gentlemen, upon the things which General Owen Williams and Lord Coventry spoke to, the more important things, what is it they say now? I called General Owen Williams as my witness, and I think now that it is a tremendous thing for you to consider that I called the accused man into the witness-box, in the first instance, to prove to you that he did not cheat at cards upon that night, and I can call into the witness-box without fear—although I have to complain of their conduct in other respects—the banker and the croupier whose special attention was called to the play upon that night, and to the stakes that were put on the table; I can call them before you and show you that there was nothing whatever in the play that attracted their attention, or aroused their suspicion. But, of course, I make General Owen Williams my witness in the matter, and this is put to him in cross-examination, and he is pressed by my learned friend in regard to the question of the withdrawal of the stakes, and he says, "Well, I will not undertake to say that withdrawing was mentioned." Gentlemen, that pressure upon General Owen Williams, that hesitation by General Owen Williams now, when he is asked to carry back his memory to the night of the 10th of September and say what exactly was spoken to him on that evening, illustrates and enforces the point I have been putting to you, that the written document is a better authority than the recollection of any witness to-day.

The document is there. General Owen Williams wrote it, as he told me, when the facts were fresh in his recollection, a few days later, but the facts have to some extent faded from his recollection, and it is put to him in cross-examination and strongly put to him, "Well, but are you quite certain that this was said?" His answer is, and that really sums up General Owen Williams's evidence, "At the time I wrote that I had a clear recollection of what had taken place, and to the best of my honest belief I recorded accurately all the facts. At this distance of time it is impossible for me to say with precision whether any particular statement was made to me or not." Gentlemen, that is a reasonable thing, quite a reasonable and fair thing for a man to say; but observe what the consequence is. The consequence is to emphasise my argument, that you ought to look back to the written and contemporaneous document in order to find out what really took place. Then comes Lord Coventry, and he is pressed with regard to the withdrawing of the stakes, and among other qualifications for the office of

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adjudicating in a difficult and delicate matter of this kind he has the qualification of partial deafness, and his explanation when he is pressed with regard to withdrawing is this: he says, "When the document came to me I noticed that; I did not myself remember with accuracy what exactly had taken place, but I had heard somebody say something about withdrawing the stakes, and I thought General Owen Williams must have heard more clearly and in more detail and so I fully accepted the statement as accurate, and I did not think it necessary to put in a side-note to say that I did not clearly remember that." Here, again, having the evidence of Lord Coventry now, what he says is this: "Some persons had certainly said something about withdrawing the stakes." Now, gentlemen, the fact that an accusation was made that night of withdrawing the stakes is of immense importance. There is no such accusation now. The only thing in the evidence which has been given to you which suggests withdrawing the stake is, not withdrawing the stake at all, but abstaining from adding to the stake, and I will show you how enormously different that is. Mr. Stanley Wilson, who gives the account of the only incident which could be suggested to be withdrawing the stake at all, says, "I saw him with his hands forward; there were counters in them; when the coup was declared against him he took his hands back and dropped the counters back into the pile." That is the account of the only incident which could have suggested withdrawing, but it is not withdrawing a stake—it is not withdrawing a stake once placed on the table, and you will find, when I come to analyse, I hope with your watchful attention, the specific evidence of the facts in this case, the question whether there was withdrawal or not is of supreme importance. I will show you everything that is alleged against Sir William Gordon-Cumming—with the exception of a £2 counter, which is the exception I shall have to deal with—everything else is not only consistent with, but is explained by the account which I gave to you of Sir William Gordon-Cumming's play last Monday, when I had not, and could not have, the least idea what it was that the witnesses for the defence were going to say they had actually seen. You shall see that I, by the nature of their answers to interrogatories, was kept in absolute ignorance of what it was they were going to say; you shall see that I, dealing simply with what Sir William Gordon-Cumming was able to tell me of the habits of his play and the character of his play, was able to indicate beforehand the character of that play, and you will find that everything is explained, and falls into the explanation which I then, not knowing what they had to say, suggested. But, gentlemen,

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if there had been a stake placed upon the table, and part of it withdrawn when the cards were seen to be against him, there could be no explanation at all. If on the white paper the £5 counter is placed, and that coup is won, there will be almost immediately afterwards, according to the play which I described to you, three red counters, or a red counter and a £10 counter on that table, because Sir William Gordon-Cumming would be following the coup that had just been won; but if anybody had seen upon that paper before the play began three red counters, and had seen Sir William Gordon-Cumming withdraw one of those counters when he saw the cards were against him, there is no explanation that I am aware of in any circumstance or character of the game that would have enabled me to suggest to you, and to prove to you, that he had not been guilty of cheating.

So now you see the enormous importance to me, and to Sir William Gordon-Cumming, of this question of the accusation of the withdrawing of counters—withdrawing part of his stake—a thing which they in their précis say they were told upon that evening he had frequently been seen to do. Somehow or other the belief that Mr. Lycett Green and Mr. Stanley Wilson had on that evening said they had seen it frequently had got into the mind of General Owen Williams, and it so nearly accorded with what Lord Coventry remembered that it was not necessary for him to annotate it when he looked at the record of events, and I ask you to say that that statement was made on this point, and that as between the recollection now of these young men and the recollection a week after the events of Lord Coventry, General Owen Williams, and the Prince of Wales, you think it is more likely that the Prince of Wales, General Owen Williams, and Lord Coventry are right. But, gentlemen, the next point is a very serious one indeed, and it will light up the character of the evidence which has been given before you by the defendants in this case. Did they or did they not agree to watch Sir William Gordon-Cumming, and go to the baccarat table on the second evening with the belief in their own minds that they, the members of the family, were joined together to watch their guest, to find him out if he cheated? They know perfectly well now the disgrace that would attach to them if such a story were established in Court. They know that people would jest at the idea of being guests at Tranby Croft, and that Tranby Croft would become a byword for a house in which people could not safely stay if this were established. Is it true? I point out to you that it is further proved against their oaths—they have all sworn to the contrary—proved against their oaths by that record, and by the recollection of General Owen

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Williams, and by Lord Coventry in this Court. Now, here again we are at a vital point of the case; did they or did they not agree to watch Sir William Gordon-Cumming on that second night? If they did, there is no escape from the conclusion that they, to avoid acknowledging conduct which everybody feels would be disgraceful, denied upon oath that which did in fact take place. There is no escape from that conclusion at all. Now pray decide, for it is for you to decide, did they or did they not agree to watch? Here is the record, and General Owen Williams and Lord Coventry do not minimise and modify upon this point in the way they did with regard to the withdrawal. They have no recollection of it. The question was not put to His Royal Highness in detail. He was not challenged upon this point that I am aware of, because I put to His Royal Highness the record that he had taken care of, and he said that that record was a true record of the events. In that record it is distinctly stated, in the most definite possible way, and the names of the five persons are mentioned, "it was agreed that they should all carefully watch the play on the following night." Now, what do General Owen Williams and Lord Coventry say about it now?

The LORD CHIEF JUSTICE—Upon that point the Prince could not be asked, because I mean it would have been useless to ask him, as this is a statement of what passed with Lord Coventry before they saw the Prince.

The SOLICITOR-GENERAL—I am very much obliged to your lordship; that no doubt is so. All that can be said about it is that Mr. Lycett Green said he repeated his statement, I thought before the Prince; but still my lord has pointed out a matter which had escaped me, gentlemen, and my observation as to the Prince being cross-examined about that has no point, as I agree; but with regard to General Owen Williams and Lord Coventry I am going to point out to you what they themselves said. General Owen Williams said this: "Mr. Lycett Green told me they had discussed the question"—who had discussed it?—"that he and his brother and Mr. Arthur Wilson (and I think he said the other accusers) had discussed the matter with him, and in my précis I recorded my impression that they had agreed to watch. They did watch. There is no question," said General Owen Williams, "about that, but I say my impression was that they agreed to watch." At another part of his evidence he said that Mr. Lycett Green told him that if they saw Sir William Gordon-Cumming cheat he was to be denounced. They had determined to denounce him. Now, what does Lord Coventry say about that? Lord Coventry was not my witness; he was examined in chief by my learned friend, and

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at the end of Lord Coventry's evidence my learned friend, who knew perfectly well the enormous importance of this point with regard to the watching—because if you believe that they did watch you can scarcely with an easy mind accept the evidence in the course of which they have sworn that there was no such agreement to watch at all—but my learned friend, Sir Charles Russell, saw the importance of this, and he says this: "There is one question I ought to ask you in reference to Mr. Lycett Green. It is proper it should be asked at once." That is the way an experienced counsel indicates to the jury that he is leading up to something that is going to be against him:

"Q. You have a recollection of Mr. Lycett Green saying something about watching Sir William Gordon-Cumming on the second night?—A. Yes, I have."

Note that question and answer.

"Q. Tell us what your recollection of what was said about that was?—A. My recollection of it is this, that Sir William Gordon-Cumming had been seen to cheat on the first night. The witnesses had spoken of it amongst themselves" (observe, almost the same words as those of General Owen Williams), "and they determined that if they saw any cheating the next night they would denounce him. That was the impression left upon my mind."

The evidence then stands, in my submission to you, complete. The record sets down not casually—not, for instance, that it was agreed to watch as if that were Lord Coventry's account of what had taken place—but in specific detail, it was agreed that they should all carefully watch on the following night. That is not a vague record of something that is believed to have taken place; it is the specific record of what the man has heard. You have that record in this document itself, and you also have the living testimony of Lord Coventry, who now, when his recollection may be a little weakened, and certainly his inclination would hardly be in favour of the point which I am making, says, "Yes, I do recollect that something was said about watching. I was told that the witnesses had discussed it amongst themselves, and that they had determined that if cheating took place on the following night they would denounce it." And, gentlemen, there is not only that, but you know of that entry in the diary made without concert with General Owen Williams (in Lord Coventry's diary) by himself on the following morning, days before he saw the précis. He says in this, "he communicated" (that is, speaking of Wilson) "to Mr. Lycett Green, who determined to watch the person on the

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following night," so that something undoubtedly was said with regard to watching the person. Now, gentlemen, that evidence, as I say, is complete, it is one of the specific points upon which you will have to make up your mind. Did the Wilson family agree to watch when they went to that table that night? They, with undoubtedly a strong social interest in getting rid of this imputation upon them, all deny it. It is for you to say whether that denial is true. Against the denial you have the record, you have the evidence of these witnesses which I have just quoted to you, and you have the evidence of the note in the diary, and the immediate recollection of Lord Coventry, and upon that issue I ask you to come to the conclusion (and I submit to you that the evidence is overwhelming in favour of the conclusion) that the record drawn up by Lord Coventry and General Owen Williams was true, that the Wilson family did agree to watch on the evening in question. That is what I have to say with regard to the correctness of this document. But before I leave it, there is one other observation to make, to which I shall have to come back presently, but the importance of which I venture to think is so great that I desire to indicate it to you now. Supposing you had a doubt, or suppose you did not believe that there was this agreement to watch, suppose you were to come to the conclusion, as I submit against the best evidence in the case, that they did not agree to watch, the other observation that I have to make about the document affects the second part of my learned friend's evidence. My learned friend says, "I call five witnesses before you as to facts; they could see and did see, and are honest, and you must believe them." He spent more of his time in pressing upon you that which I feel to be a very grave and serious matter in this case, that the Prince of Wales and General Owen Williams and Lord Coventry had formed an opinion hostile to Sir William Gordon-Cumming. Yes, gentlemen, but the opinion that they formed against Sir William Gordon-Cumming was formed upon what they believed they had been told by the defendants, and you have to consider yourselves that the statement that they accepted at the time as against Sir William Gordon-Cumming must have been the statement which they afterwards put down in the record. Supposing it to be that which had actually taken place, it must have been what Mr. Lycett Green told them. He had been the spokesman of the party. He had been chosen as the representative, so to speak, of the accusers. He was the man who repeated his story over and over again. Have you any doubt that General Owen Williams and Lord Coventry recollected what that story was? Now, just think

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of the sudden shock that must have come to Lord Coventry when, at a quarter-past seven that evening of the Wednesday, Mr. Lycett Green came to his room and made a statement to him. Mr. Lycett Green made the statement of what he had to tell, not about himself alone, but about other persons whom Lord Coventry never spoke to on the subject, so far as we can see, on that evening at all. But Lycett Green was the person who made the statement. Says Lord Coventry, "I think this is a very serious thing; I cannot act alone; I should like to have the help of General Owen Williams." They go to General Owen Williams, and there, in Lord Coventry's presence, Lycett Green repeats the statement which he has to make. Then they think it very serious; they recognise its gravity; they take him to the Prince of Wales, I do not say immediately, but in the course of the evening, and before the Prince of Wales, with particularity, so we are asked to believe, Lycett Green repeated the story which Lord Coventry had already heard twice and which General Owen Williams had already heard once, and that story must have been riveted upon their recollections when they wrote that record, for it is not so often in English society that a soldier and a gentleman is suddenly charged with cheating at cards, that Lord Coventry and General Owen Williams would be likely to think lightly of it. Mrs. Arthur Wilson may hear of it one moment and forget it the next, as we hear; but that is not the case with people in society like that in which General Owen Williams and Lord Coventry have all their lives habitually lived and moved. So that the horror of this matter must have been extreme; and does any one of you doubt that that evening there was in the minds and knowledge of Lord Coventry, of General Owen Williams, and of the Prince of Wales a clear and definite idea of what it was that Lycett Green had said? His Royal Highness was not content to listen to the statement only. We have it in evidence that he asked questions of Mr. Lycett Green with regard to the matter, and His Royal Highness afterwards accepts this and witnesses this as a true record of what took place.

And so, closing my dealing with this record written in the following week, I point out that it is the best evidence which you have, because it is the evidence which those three gentlemen gave within a few days of the occurrences. I point out to you that, being the best evidence you have or can ask for, it is in direct contradiction to the evidence of the five persons upon whose testimony you are asked to destroy Sir William Gordon-Cumming, and I point out to you that it represents, and must represent, the story which had been told to, and accepted by, His Royal Highness and

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Lord Coventry and General Owen Williams at the time when they told Sir William Gordon-Cumming that the evidence was overwhelming against him. You will find, accepting the statement of the defendants' witnesses for the moment, that it is incorrect. You then come to see the fact that His Royal Highness and General Owen Williams and Lord Coventry accepted that accusation of guilt, accepted against their friend and companion and comrade of years this statement which was put before them that night, and they accepted a statement against him which his accusers now say they never made at all.

I have discussed and closed my observations upon the record which was made at the time, and I shall not have to come back to that except for reference to the passage which it contains, which has been so strangely and unexpectedly explained by the diary of Lord Coventry, as to the reasons which induced Lord Coventry and General Owen Williams to take the course which they unhappily did on the night of the 10th September; but I have pointed out to you that the two methods in which this has been used against me, or the two classes of evidence which it is suggested I have difficulty in meeting, are, first, the evidence as to the matters which actually took place on the two nights of the 8th and 9th, and, secondly, the belief of His Royal Highness and Lord Coventry and General Owen Williams in the accusation then made. In proper order, I come next to deal with the evidence with regard to what actually took place, and I beg you to remember what it was I told you on Monday as to the play of Sir William Gordon-Cumming. It is most essential, and I am sure my lord, who has paid every attention to this matter of the interrogatories, and the answers to interrogatories in the course of the case, will appreciate in a moment the point which I am going to put to you, that when I spoke to you on behalf of Sir William Gordon-Cumming I had no knowledge of what sort of accusation would be made against him, except such as I could get from the answers to interrogatories. Now, gentlemen, the answers to interrogatories in this case are somewhat remarkable. You are aware that when any citizen makes complaint that he has been maligned, and his accusers say that they are prepared in Court to prove the truth of their accusations, he is entitled to know what it is substantially that they allege against him; and so in due course in this case interrogatories are applied. We asked them what accusation they made against Sir William Gordon-Cumming. Gentlemen, the answers to interrogatories, all drawn by the same solicitor, who appears for all the defendants in this case, agree in their words, that is to say, one of them will do for all; and the

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answer is this—it is the answer in this case of Mr. Lycett Green:—"I saw the plaintiff cheat at baccarat by placing a larger stake on the table after the cards had been declared in his favour than he had originally laid down," and the only information which I had or could have at the time I made my opening speech in this case to you was that each of the five defendants said that that was the accusation they made against Sir William Gordon-Cumming, that after the card had been declared in his favour, that is, after everybody at the table knew that he must win, he had increased the stake which he had put upon the table. Now I think you will follow me—I am sure you can—in the observations which I am going to ask you to consider.

THE LORD CHIEF JUSTICE—Is it not more absolutely correct to say, when everybody must have known his tableau would win? It makes some little difference.

THE SOLICITOR-GENERAL—If your lordship pleases—when everybody must have known that the tableau on which he was playing would win. I am very much obliged to my lord. There is nothing I am more grateful for, in the course of perhaps the most responsible and anxious case I have ever had in my life, than that my lord should keep me exact as to the matters which I am putting to you.

THE LORD CHIEF JUSTICE—Sir Edward, you do not need it, but I hope you understand I really only interfere, whenever I do interfere, simply to help you.

THE SOLICITOR-GENERAL—I am sure of that, my lord. That is why I express my gratitude. Gentlemen, I only knew that that was their allegation, that he had added counters after the cards were declared, whether by the banker or by the person who for the moment was representing the table at which they played. But do you remember what I said to you and proved in examination-in-chief about Sir William Gordon-Cumming's play? Knowing from the information which one had to get for the purpose of this case, what the system of play was with many players in the game of baccarat, I could see at once that there were points in the game at which that might happen, which an inexperienced and careless or prejudiced observer would take to be cheating, and I explained to you in my opening, and Sir William Gordon-Cumming proved in his evidence-in-chief, what his system of play was. Now we need not go back upon discussing the question of baccarat; I assume that everybody who has been listening to this case is an accomplished baccarat player at this time, so that one need not occupy time with the details of it, but it is clear that if you have any system at all in baccarat, as it is purely a game of chance, it would be a system of following the luck, and the

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gambler always follows the luck. If he chooses to play high, he follows one single coup by trying to make a second, and that is the only way in which he can expect to win in the long run, if he is successful in following the single coup, and I told you that Sir William Gordon-Cumming, if he staked £5, would, when he received the £5 counter from the croupier, add a £5 counter from his own stock to that one, and thereby make the £15 for the stake for the next time. Now, gentlemen, observe that I told you that, before it was possible either for Sir William Gordon-Cumming, or for me, to have the slightest idea what the supposed charge against him would be, how it would be framed, or what would be described before you, and when you come to look at the evidence with regard to these cases, upon the number of which I will in a moment make an observation, you will find that in every case Sir William Gordon-Cumming staked a £5 counter, and in all the cases but one I think £15 was the amount which they thought they saw paid to him. Now, gentlemen, just let me ask your attention to this. We have to consider the recollection and the observation of people upon two nights of baccarat play. Nobody except Stanley Wilson saw any foul play except a person who was expected to see it. I beg you to note that observation, and I think you will see the importance of it. It has been truly said that the eye sees what the eye brings the power of seeing. It might with even more truth be said, if there be gradations of truth—it might with as much truth be said that the eye sees what it brings the expectation of seeing. The explanation of every conjurer's success, the explanation of every spiritualistic medium's acceptance, the explanation of every theosophist's séance, is that the people are brought into a state of mind in which they expect to see a thing, and they see it. You know well the old story of the humorist who stopped at the end of the Strand, and pointed to the lion which then stood upon Northumberland House, and declared that its tail wagged. You will remember that a crowd was assembled round him in two minutes, and before three minutes half the crowd were declaring that they had seen the tail move, although it was a stone one. You have yourselves seen a conjurer's performance; you have seen him fix your attention upon one particular thing, and tell you that something else is going to happen, and you know you have been deceived, and the thing has never happened, although you have seen it apparently, and would declare it had, though it was in defiance of all the laws of nature that ever you learned or heard of. All of us know that the eye sees what the eye brings the expectation of seeing. That is a true axiom, and, applying it here, there

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is only one witness who saw anything wrong, or says he saw anything wrong, in Sir William Gordon-Cumming's play, without having been told beforehand that he was going to see him cheat; and if you examine with your intelligence the particular acts alleged against him, you will see, with regard to Mr. Berkeley Levett, and especially with regard to Mrs. Wilson, what singular prominence comes into that consideration.

But let us ask what the play was, and who were the persons playing there. I am not going in detail through the evidence which I have elicited with regard to the experience of these witnesses. My learned friend commented upon my long cross-examination. I am not going to occupy you by going through it, but cross-examination has to be careful if it is to be of any use, and time ought not to be grudged in a matter so important as this. What was the game they were playing, and how were they playing it? On the 8th they sat down at three tables—not all the party, but some of the party. Those three tables were of different heights—the centre one higher than the others, and at the centre one His Royal Highness takes the bank with a bank of £100, and at the table (the table at which Sir William Gordon-Cumming was playing) there are sitting Mr. Berkeley Levett, Mr. Stanley Wilson, Lord Edward Somerset, and Mrs. Wilson, at all events—other persons were playing. On that first evening something was said about Sir William Gordon-Cumming's stake early in the evening, and what was his answer? He said, "My stake is upon the paper." He had got a piece of white paper upon which, under the well-known headings "B" and "P," for "banker" and "player," he put his stake; and you are asked to believe that at the very first coup, on the first evening that he sat down, something happened which might be interpreted as an act of cheating. Now, gentlemen, I ask you to fix your attention upon this statement, because, as I think I shall show you, it lights up and explains a great number of the subsequent statements. When Mr. Stanley Wilson was in the witness-box Mr. Stanley Wilson described the incident which had been already in advance described by my learned friend, Sir Charles Russell, and to which Sir Charles Russell drew particular attention, and drew your particular attention in a way which, as I thought, indicated that he relied upon it as one of the acts of cheating. The account which Mr. Stanley Wilson gave was this. I should have taken my learned friend's introduction first, because, of course, that attracted your attention, and directed your attention to this incident. Sir Charles Russell said that when they sat down at the table

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Mr. Stanley Wilson, the son of the house, desired to see what other people were playing, and he looked round and he saw that Sir William Gordon-Cumming had a £5 counter upon his white paper, and he saw immediately afterwards that Sir William Gordon-Cumming had three £5 counters upon his paper, and was paid £15. That was the account he gave of what he saw. I understood from my learned friend's opening, and I think you must have understood from the way in which the evidence was given, that it was suggested that Sir William Gordon-Cumming had cheated on that occasion. The evidence with regard to it is as complete as the evidence with regard to any act that is alleged—the one £5, the three £5 counters, and the £15 paid, but when I came to cross-examine Mr. Stanley Wilson with regard to this, and asked him whether he imputed cheating to Sir William Gordon-Cumming on that occasion, he said "No." Well, gentlemen, just let me ask you to remember this. Supposing I had not cross-examined Mr. Stanley Wilson at all, but had left that unchallenged, my learned friend might have said: "There is a clear act of cheating, as to which Sir Edward Clarke has asked no question." I did ask him that question, and I put this question to him:

"Q. Am I to understand that you do not suggest that you saw any cheating on the first coup?—A. No, certainly not; I do not suggest anything of the sort—not the first coup."

Gentlemen, in the face of that answer, given by Mr. Stanley Wilson, my learned friend has this morning, in his speech to you, said that in the light of the evidence which has now been given you may well think that that was an act of cheating. By what rules, by what canons of evidence, in the light of what judgment, is a man to hold his honour before a jury on a charge of cheating at cards if this is the way in which evidence is to be treated; evidence given by a witness, which, if not cross-examined to, would have appeared to be an act of cheating, whereas when cross-examined to he says: "I suggest no act of cheating at all—not the least;" and then his counsel, after he has left the witness-box, says: "In the light of the evidence that you now have you may take a different view of it."

It is hard indeed to deal, and to deal patiently, with some of the suggestions that have been made in this case, and some of the attacks made on the client with whom at this moment my interests are bound up, but why this suggestion should be made to you when the witness himself has distinctly refused to make it at all I am at a loss to understand. Gentlemen, that incident, if you watch it carefully, is the key of the

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whole matter. I will show you that Mr. Berkeley Levett, of whom I will not now, or at any time, speak with harshness—I will show you that Mr. Berkeley Levett, as far as he tells you what he saw, saw that and nothing else, and that is exactly what I told you would happen. I told you in my opening that Sir William Gordon-Cumming staking the £5, the system of play would be that for the next coup there would be £15 upon the paper, the £5 he staked originally, the £5 he took from the croupier, and the £5 which he added himself, and you will notice this—for it is very remarkable—in all these instances which the defendants' witnesses refer to as proving his cheating, the stake which they saw upon the paper originally was a £5 stake. Now, gentlemen, do just imagine. Supposing for one moment that this extraordinary event had happened; that Sir William Gordon-Cumming, who for twenty-three years had passed the life of which I have spoken to you, who had no conceivable reason in his own private circumstances to try and get dishonest winnings from his friend the Prince of Wales, supposing for the moment that he condescended to acts of this kind, what do you think he would have done? Do you think that, intending to cheat, he would have said to the Prince of Wales, as it is proved by the defendants' witnesses he did say, "My stakes are on the white paper"? Do you think that if he had intended to cheat he would have chosen as the counter which was to be the instrument of his cheating precisely that which it is most easy to see, whether on white paper, or on tapestry tablecloth, or on the green baize that covered this improvised baccarat table of the second night? There is no counter among these counters, all the denominations of which I hope you will look at and examine—there is no counter so obvious and so clear to sight, at any distance you like to name, as the £5 red counter, trying it on any cloth you will. On the tapestry cloth, if you take the brown counter, or the yellowish counter, it might be very difficult to see it—such a table was used the first night; but on that night, at the very first coup, he is putting his £5 counters upon a white paper, when, as you see for yourselves, it is about the most conspicuous combination that could possibly be invented. Did you see Mr. Arthur Wilson when I tried him with the counters, and he was in the witness-box? He did not know these counters before; they did not belong to the Wilsons; he had not seen them before that night, or played with them before that night. So far as Stanley Wilson is concerned, he had not seen them since that night until this trial, but when I, in his presence, took these counters in my hand and threw them down one by one, looking at it from the distance of that box there, he was able to tell me £2, £5, £10, and so on. Gentlemen, just consider what you

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are asked to believe. The man who is supposed to be intending to cheat some of the keenest eyes in Europe selects the most conspicuous counter as the instrument for his cheating, puts it on a white paper, which makes it more conspicuous than any other object on the table could be, and continues during the evening to stake the £5 counter, when the very fact that that was his habitual stake would call the attention of the croupier and of the banker to the change, if there had been a change, in the amount they were called upon to pay.

I said to call the attention of the croupier and the banker. Let us see what baccarat is. We need not discuss its ethics or attractions at this moment. For this moment I am on the question of what can be seen or known. We know this baccarat is not a game which involves very much trouble to most of the members of the party. If you are sitting at a baccarat table you stake your money, £5, £10, without the slightest idea what cards will be dealt to anybody, and it is pure chance as far as you are concerned. On the table only six cards are put down, so that it is not a game where the other players have cards in their own hands to which they are attending. I dare say the game of *vingt-et-un* is one which you yourselves are more familiar with than baccarat, and it has been suggested that it is like that. Yes, it is like baccarat in some respects, but it is unlike it in this remarkable characteristic, a man might have an opportunity of cheating at *vingt-et-un* because everybody at the table has got his own cards up before him thinking whether he will take fresh cards or not in order to make the twenty-one, but in the game of baccarat there are only three people of the whole number sitting at the table who are handling cards, to use the technical phrase, the others have nothing in the world to do but to put down the stake which they intend to risk on the tableau to which they belong, to see what other people are staking at the same tableau, and to wait until their deputy who is handling the cards has shown whether he wins or not; so that the other people who are sitting at the table other than the man who at the moment is handling the cards, have nothing in the world to do except to look round and see what people are staking; and there is a certain amount of curiosity about that, even at the most innocent and staid baccarat tables. But, gentlemen, there are two people sitting at the table who have a different and more important duty to perform. The banker is keenly interested in what the stakes are, because it is his money that is being lost or won. Whether on the first night His Royal Highness was taking the bank alone, I am not able to say, but I understand that on the second night, when General Owen Williams was acting as a croupier, the bank was between them; but, observe

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this, the banker is playing against the money of the rest of the table. It is important to him to see how much he is likely to win or lose, and he and the croupier, if there be a croupier, must look at the stakes that have been put up before the cards go round for more than one reason. Of course the croupier has nothing whatever to do except look round the table at the stakes—nothing whatever. He never handles a card. Unless he is sharing in the bank he cannot win or lose a single penny upon the game. His duty is (and I doubt not that when His Royal Highness is the banker any one of his friends most actively performs the duty) to see that the stakes are properly put up, and that payment is made and received properly on behalf of the banker. He has nothing else to do but that. The stakes are put up, and he has to look at the stakes before the banker has to pay them. The banker and the croupier would both look. But there is another reason why the stakes must be looked at, and that is a reason peculiar to baccarat. It appears you start a baccarat table with a bank of, say, £100. You never can be called upon to pay the players more than the £100 with which you start, that is to say, if at the first coup both tableaux win and they win £70, £70 would be paid out to them by the banker or the croupier, and at the next coup you never could be called upon to pay more than £30, that would be all that would be left in the bank, and if the croupier looking round saw that the stakes which were upon the table exceeded the sum of £30 he would know that they would have to be dealt with according to a technical fashion, which I know, but I need not stop to explain to you, by which the banker would only pay the £30 which remains in his hands. So that the croupier at baccarat has not only the ordinary duty of dealing with money and nothing else, collecting the stakes and paying the stakes, but he has also the duty before any round is played of looking round the table to see whether the collective stakes put down upon the table do, or do not, exceed the amount which at that moment is in the bank. But there is a third reason, and in the gravity of the case you will not think I am delaying you, or troubling you in pointing this out I am sure—there is a third reason for the banker looking very carefully at the stakes that are made, and it is this: he may lose to one tableau, and win from the other. He may lose to a tableau with £60 staked, he may win from a tableau with only £10 staked and, as I have pointed out to you before, it may govern his judgment as to whether he takes a new card or not; the question of the amount on either tableau may govern his judgment whether he takes a new card or not. I devoted myself to the explanation of it before, and I think I need hardly repeat it, but it is very

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simple. At six, at baccarat, no player would take another card; at four, a player certainly would take another card; at five, it would be an open question with him, and it would enter his mind—it is the only casual gleam of intelligence which gets into a game of baccarat—whether he ought to take another card or not. If he took another card the banker would know for a certainty that he had not more than five in his hand the first time, and supposing he took another card and took a nine, then the five, which would be the largest he could have had before, must be added to the nine, making fourteen, then the ten being cancelled the banker would know that he could not have more than four in his hand, and if the banker had five in his hand and his tableau, with the four for its highest possible, was a large tableau in respect of stakes, of course the banker would not run the risk of himself taking a nine and reducing his score again. So that you have three necessities for looking at the stakes. The croupier has to look at them in order to see what he will have to pay and receive; the croupier and banker look at them in order to see that they do not collectively exceed the amount which is in the bank; and the banker looks at them, looks at them critically the one side against the other, in order to see whether it will be necessary for him to have a new card or not. Now, gentlemen, you are asked to believe that at this table Sir William Gordon-Cumming sat down and took the most conspicuous of all his counters, put it on a sheet of white paper, and, in order to make it more conspicuous, told the banker, told His Royal Highness, that his stake would be found upon the sheet of white paper, and that he went on putting it upon the white paper, cheating again and again at that table, when I am able to call the banker and the croupier of the second night to say that they never saw any cheating at all; and, gentlemen, when there were seated at that table persons also of experience—for Mr. Tyrwhitt Wilson, Lord Edward Somerset, and Captain Somerset were sitting at that table. Lord Edward Somerset and Captain Somerset have been here in Court; it was not for me to call them, and you may take it as they were not called, that they saw nothing.

Gentlemen, my learned friend quotes against me the very reasonable suggestion that if you say a thing has happened—if it is said that a thing has happened, and three men are called who saw it, it is no answer to call half a dozen men who did not see it. No. If you call three men, and they say, "I was going down one side of Fleet Street and I saw something in a window," and to contradict that you call six men who were walking on the other side of Fleet Street and did not see the window at all, the contradiction is idle, I

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agree; but if you have got a party of players sitting at a table so small as that which is described, the size of an ordinary whist table, two on either side, and the banker and the croupier sitting possibly a little higher, but at all events looking down from their table to that table, and the experienced players, and the inexperienced players, until they were told what to look for, did not see it, what is the conclusion? Why, that these inexperienced players had blundered and were mistaken, and attacked the character of an honourable gentleman for acts not investigated at the time, not capable of being recalled now—except by those who have had the happiness of frequent interviews with Mr. George Lewis for the purpose of preparing their evidence in this case—not now distinctly remembered; but actions which, when they are examined, are perfectly consistent with honourable dealing on the part of the man who is accused. Let me press upon you the importance of that—the people who saw this thought that they were going to see it. It is most interesting when you come to analyse the evidence. Mr. Arthur Stanley Wilson began by telling you about this incident when the three counters were seen on the paper, and he did not suggest there was any cheating at all. He then went on to say this, that he was looking over Lord Edward Somerset's hand, that Sir William Gordon-Cumming was sitting between him and Lord Edward Somerset, Lord Edward Somerset had the cards up, Sir William Gordon-Cumming leaned over, and you remember Mr. Arthur Stanley Wilson said, "I was leaning in the same direction and looked into his hand. I saw something red in his hands." Try it for yourselves. It is almost impossible to arrange red counters in your hands in a way that other people looking at them from the outside will see them, and yet in such a way that will enable you to drop them—but I pass from that. His account is this, that there had been a counter placed upon the white paper, and that after the card was declared—although he says presently, "when it was virtually declared," for he does not quite hold to the expression—after the card was declared he said Sir William Gordon-Cumming dropped out of his hands three more red counters, so as to make £20. Gentlemen, £20 on that night was a perfectly phenomenal exceptional stake. It would have been noticed directly, and Mr. Arthur Stanley Wilson, who is the only authority for this—and who, if anybody at the table was what Mrs. Wilson called "a hot-headed boy," would probably be entitled to that distinction—Mr. Arthur Stanley Wilson is the only person who sees it and suggests to you that whereas right out upon the table, on the white paper, in the view of the Prince, of the Somersets, of everybody else, one £5 counter had been

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staked, that after the cards were declared Sir William Gordon-Cumming dropped three more red counters upon that same piece of white paper, and that they were paid without any demur at all. Gentlemen, this is the only incident of cheating alleged to have been seen by any person before the idea of cheating got into his mind, and that rests upon the evidence of Mr. Stanley Wilson only. But now, what did Mr. Stanley Wilson do? Mr. Stanley Wilson, when he sees this, tells Mr. Levett.

Mr. ASQUITH—There is another incident first. He saw it withdrawn.

The SOLICITOR-GENERAL—My friend is harping on the withdrawal. I do not understand the way in which the case is being fought. My friend interrupts me to say that there was another incident of cheating.

Mr. ASQUITH—No. My learned friend must not say that; I am only correcting him in his sequence of events.

The SOLICITOR-GENERAL—I am dealing with the incidents of cheating. Does my learned friend mean to say that there was another before?

Mr. ASQUITH—No.

The SOLICITOR-GENERAL—Then I am right, and I am going straight on. After that incident of alleged cheating, he calls Mr. Berkeley Levett's attention to it, and then Mr. Berkeley Levett sees something. Now, again I ask your attention to minute details, for no detail can be too minute when you know the results which may depend upon your judgment with regard to this matter. But I call your attention to this. Mr. Berkeley Levett, having been told of this, sees two matters and he describes them. If you watch you will notice that the incident which he describes as being an act of cheating is precisely the same, described in the same language, leaving, if it were undetected and unquestioned, the same inference, as that first incident of which Mr. Stanley Wilson spoke, and which now Mr. Stanley Wilson does not suggest to be an act of cheating; for Mr. Berkeley Levett says this, £5 was staked—still, observe, on the paper—and when the banker declared the coup he says Sir William added two other counters, and he uses this, which I think must have been noticed as a most remarkable expression: "When I looked the second time there were three red counters upon the paper." I dare say there were. There naturally would be. He had looked away. He saw the one £5 counter staked. The coup was declared, he looked away for some other purpose, and when he looked again there were three upon the table. That is precisely what Sir William Gordon-Cumming told you. There would be three upon the paper: the one which was first staked, the one which the croupier paid, and the one which Sir

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William Gordon-Cumming had contributed from his own stock. But, gentlemen, there is a more important matter even than this. I, of course, had to cross-examine to this. I, of course, saw the identity in point of description between that which Mr. Berkeley Levett said he saw on that occasion and that which Mr. Stanley Wilson had stated he saw upon the previous occasion—on the very first coup—and so I asked him this, and the answer was the most remarkable revelation to you of the fact that it was the expectation of seeing that had brought the sight, which I think could possibly have been got out in cross-examination. I asked him, “At the time you saw what you have described, do you suggest that you made up your mind that it was done dishonestly?” What was his answer—Yes or no? Neither, but this, “I had been told that he was cheating.” No witness could have more unconsciously given in evidence to you the current of his thoughts with regard to the matter, and the explanation of his putting the interpretation of dishonesty upon that which might have been perfectly honestly done, than that witness unconsciously did on that occasion—an answer which deserves to be remembered and quoted. “At the time you saw what you have described, do you suggest that you made up your mind that it was done dishonestly?” “I had been told that he was cheating.” There is the revelation of the whole thing. Mr. Arthur Stanley Wilson has told you, and you know what sort of evening it was. This was the evening of the Monday. They were the two youngest men who were sitting at the table. They exchanged their observations, observations the extent of which if there had been sitting at the table an experienced and intentional cheat, would have aroused his attention and put him on his guard. The exchange of observations between the young men, and the observation of his cards, and so on, would have put him on his guard. They exchanged their observations. The moment they had exchanged their observations, these two friends who had been young men friends together for four or five years—one says, “This fellow next to me is cheating,” and the other says, “It is impossible,” and so on. The next time he looks, and he makes up his mind directly it is an act of dishonesty, and when he is asked, “How came you, with a gentleman of this character and position, to make up your mind it was dishonest, and that if there was anything wrong it might not have been an accident?”—when he is asked how came you to do it—I have read you his answer, “I had been told he was cheating.” Now just let me ask your attention to this: suppose, as I suggest to you, Mr. Berkeley Levett is right, and I believe him to be right in his statement of the fact certainly, that he did see a £5 counter upon the paper, and

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that when he looked a second time there were three £5 counters upon the paper, that would be natural, for, according to this system of the *coup de trois*, there would be first one counter, and then for the next coup there would be three counters left, making £15—and suppose he won that £15 he might or might not go on to the £30 stake, but then he would come back to the £5 stake, because, as I pointed out to you, if he went on doubling, of course a moment must come when he must lose everything, and the only chance of winning is to take two or three coups that run in succession, and then go back to your original stake. Mr. Berkeley Levett told you that two or three coups afterwards he had got back his original stake of £5; but he says that two or three coups afterwards when the banker declared he had one more counter, “I saw the £5 counter on the table,” and he says, “he was paid £10.” The paper would be partially concealed, but only from the person sitting next to him. Now all these witnesses are uncertain as to who paid the money and in what counters the money was paid, and it is precisely what Sir William Gordon-Cumming would do if he won £5. Supposing he had had £5 on and he had won £5, the croupier had seen it, the banker had seen it, there was no occasion for him to say any more about it, he puts down another £5 counter, and the £5 counter coming from the croupier makes the £15. Here, again, I beg you to observe it is impossible to suggest that there is anything which might not be reasonably and fairly and honestly explained by the system of the *coup de trois* which was being played by Sir William Gordon-Cumming on that occasion. I agree there is one incident alleged on the 8th, which this will not explain; Mr. Stanley Wilson says there was £5 upon the paper, and that with a pencil Sir William Gordon-Cumming pushed a £2 counter on to the paper. Gentlemen, everybody could have seen it if it was done. Mr. Berkeley Levett at that time was looking, and had been warned, and was noticing what was done, and he never saw it at all; and when one suggests that upon such a cloth, as has been described, a tapestry cloth, you can push a counter on to the top of a piece of paper that is lying on the table, I do not know whether you, gentlemen, have tried it or not, but it is a thing which might be done perhaps once in a few times, but if it were done it would certainly, as I submit to you, attract attention.

Just observe what this suggestion is with regard to this 8th. You know that this gentleman, until he had the misfortune to sit down at the card-table with Stanley Wilson, was absolutely unimpeached in his honour; you know that he had been living in society where he would have been daily under the observation and notice of keen eyes and very

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strict judgments; he had been playing cards at tables at which His Royal Highness had been; he had been accepted by His Royal Highness as a friend for years, he had been playing cards at the mess of his own regiment and wherever he went, and whenever he went out in society. Not one whisper against him; so absolutely clear and spotless a character that these men are shocked and distressed at the idea that against such a man such an accusation should be brought, that in one night, for the sake of money he did not want to be a winner of, from a man for whom he felt, as he showed in his actions of that night, that he had a sincere and loyal attachment—to cheat that man you are asked to suppose he condescends to all the petty trickeries of the Continental card-sharper, and that he is experienced in all the sleight-of-hand that can deceive the men, used to play, who are sitting around. That is the first night. As to what was noticed on the second night I do not wonder at anything being said when we know what happened before. Mr. Stanley Wilson and Mr. Berkeley Levett, with their great secret, go up and discuss this matter in their bedroom. "Sir William Gordon-Cumming, Bart., cheating at cards! Dear old chappie, what is to be done?" "My God, what are we to do?" and all the rest of it, and these two boys have come to the conclusion, I do not doubt honestly—God forbid I should say a word that to the end of their lives would be remembered by them as having been a suggestion that they were saying what they knew to be untrue—but here these two think they have seen this gentleman cheating at cards. Well, what do they do? I do not stop to trouble over the details of the preparations of the baccarat table for the second night, though it is certainly very curious that until Mrs. Wilson came into the box we had been told by witness after witness that that baccarat table on the second night was arranged in order to prevent any cheating, or to make it impossible that there should be any cheating; and when Mrs. Wilson comes into the box she gives an entirely new description of the whole matter and tells you that His Royal Highness had suggested it in the course of the evening, before there was any idea of cheating.

But that is a trivial matter, and I have not time to deal with trivial matters with you. I am anxious to keep your minds fixed on the real matters that go to the root of this case. What did these people do before the baccarat commenced? They talked about it to everybody who was not entitled to hear it at all. They kept it back scrupulously from the man to whom they ought to have gone first. If Mr. Stanley Wilson had any idea of filial duty and an English gentleman's honour, he would have gone straight to his father and said, "Sir, under your roof I have seen this; it is now

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for you to take such steps as you may think right with regard to it," and put it in his father's hands. That father is a man of honour and reputation, and of ripe age to consider these matters, but instead of his being allowed to know anything about it, why, of all the hardships that have been done to people in this case—and the hardship that my client has suffered is bitter indeed—I confess I think perhaps the worst hardship is that of Mr. Wilson, who was excluded from the knowledge of all this; for they do not tell him, but they determine to seek a ripe and experienced counsellor after—I beg pardon—telling Mrs. Wilson, whose husband came up so late to bed that she could not tell him that night, and who did not want to trouble him when she saw him in the morning; but they seek an experienced counsellor, a man of the ripe age of, I think, thirty-one, or something of that kind—Mr. Lycett Green—whose capacity is that of a Master of Hounds who hunts four days a week, and Mr. Lycett Green promptly takes it up; he feels that the whole reputation of the family has been committed to him; and instead of going to Mr. Wilson, who was entitled to know, he goes and tells his father, who was not entitled to know at all, a member of Parliament it is true, but there are members of Parliament whose advice one would not desire to ask in matters of this kind—he goes and tells his father, takes his father's advice, and then for the most foolish of all reasons he tells his wife. Why should he tell Mrs. Lycett Green? He says proudly in the witness-box that he has no secrets from his wife; and he went and told his wife, Mrs. Lycett Green, the daughter of the house, that Sir William Gordon-Cumming was accused of cheating at cards. He had no sort of right to tell her, and to set about, to her, and through her, the story on this occasion. But they had the most charming family party that ever was known. The Wilsons are told, Mr. Berkeley Levett is told, Jack Wilson tells Lycett Green and Mrs. Wilson, his mother, Mr. Lycett Green tells Mrs. Lycett Green, and there are five of them all agog to know whether Sir William Gordon-Cumming will or will not cheat the following night. They have a baccarat table prepared; there is not the slightest doubt as to several of them that they thought it was prepared for the purpose of preventing Sir William Gordon-Cumming from cheating, and having this table prepared arrange themselves to sit down to play baccarat with the cheat who in their belief had been discovered. Observe it was not a question of surmise, impression, or suspicion at the time, because Mr. Stanley Wilson says he would stake his life upon it that he had seen cheating. He told his mother, who has given him a certificate in Court, and says that she never had the least cause to distrust his word, and so believed him. Mr. Lycett

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Green tells his wife, who of course believed him; and then the baccarat table is prepared, and they go on. But in order apparently that there should be no risk of forgetfulness on the part of Mrs. Wilson, her son tells her in the drawing-room before they pass from the drawing-room into the place where they are going to play baccarat: "It will be all right to-night because we have got a baccarat table with a chalk line on it," and Mrs. Wilson has the audacity to tell you that she went in and sat down at that baccarat table and forgot all about it, and my friend, Sir Charles Russell, with a grave face, repeats it.

There is a very interesting incident in this case which refers to this. Do you remember the sympathetic manner in which Mrs. Arthur Wilson was introduced to you, and the way in which she gave her evidence; how that she had known Sir William Gordon-Cumming, that she was greatly attached to a relative of his? Well, gentlemen, I have no reason to suggest that there is not a very dear relative who has, up to recently at all events, entertained the acquaintance of Mrs. Wilson, but do you think that if that relative of Sir William Gordon-Cumming was so dear to her as she desired to represent in the witness-box, that she would have gone and sat down at a table at which the brother was sitting, knowing that that brother had been charged, or suggested to have cheated at cards the night before, and that for half an hour it should have passed altogether from her mind? Gentlemen, it is an intolerable suggestion. It could not be. The moment she looked at Sir William Gordon-Cumming she must have remembered that her son had told her that he had been detected cheating at cards. According to her account she must have had called to her mind the affectionate friendship with the near relative of his whom she so dearly loved, and when she looks at him she must be reminded of the relative she is so fond of, and she absolutely forgets not only that twenty-four hours ago she was told he had cheated at cards, but that just before she came into that room her son had come to her and whispered it was all right, because he could not cheat to-night as there was a chalk line on the table. Is it not ridiculous? I say one cannot accept such a story. Surely no jury can accept it for a moment against the witness of an honourable life.

Now, the second night they sit down. This time there is a table all on one level. It appears, by some accident, that all the people who know that Sir William Gordon-Cumming has been accused of cheating are sitting very near him. You are told that that was an accident. You are told that two chairs were left vacant, which happened to put him next to Mrs. Lycett Green. If he had taken the other he would

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have been at another part of the same family party, but still close to them. Sitting immediately opposite to them is Mr. Berkeley Levett—within three feet. When I first heard that dimension mentioned I thought it must be a mistake, that you could not have got a table so narrow as three feet to play at, but it is so—the table has been measured, and therefore within a distance as near as *that* [describing] you have Mr. Berkeley Levett sitting opposite to Sir William Gordon-Cumming during an hour and a half of baccarat play, and he saw nothing wrong whatever in his play and says: “I looked away and did not observe.” Curious behaviour for an officer of the Scots Guards to sit down immediately opposite the lieutenant-colonel of that corps, knowing that that lieutenant-colonel was alleged to have been cheating, and as he says himself, knowing that he had been cheating the night before, knowing that there were sitting at that table four persons at least to whom the secret had been confided, and that at any moment any one of those persons might put his hand down on the table and say, “That was not the stake you had there when the cards were dealt.” I do not envy Mr. Berkeley Levett’s feelings during that hour and a half. It is a pity he had not the felicity of Mrs. Arthur Wilson, who succeeded in forgetting it altogether. But what goes on? Now, there is a most interesting event, and the Master of the Hounds comes on the scene. Mr. Lycett Green was the person who had said he was going to watch. Now, there is no doubt about this at all. This is in Lord Coventry’s diary, written the next day—it is not a question of even twenty-four hours’ interval—that Mr. Lycett Green said he was going to watch, and that if they found him cheating they would denounce him. Quite right. That was the proper attitude. It is at the card-table, and nowhere else, that the cheating at cards should be denounced and pointed out. To save up an accusation like that, to be in friendship with a man you are going to accuse, and then to bring the accusation against him in circumstances which would make it impossible for him to say anything but “In the name of God, I am not guilty”—that is not the conduct of an honourable man, and it never has been; but Mr. Lycett Green is the Master of Hounds, and hunts four days a week. That is sufficient occupation for him, and he being thirty years of age, is the man who is chosen to represent these young men, and he goes with the fullest intention that if he sees Sir William Gordon-Cumming cheating he will denounce him. Now, gentlemen, what happened? He says that he saw Sir William Gordon-Cumming push a blue counter over the line, and that it aroused his suspicions; but nobody else of all the five suggests that ever they saw a blue counter

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pushed over the line. That stands on Mr. Lycett Green's evidence alone, and it is quite clear that Mr. Lycett Green did not think that he had then detected an act of cheating, because he had made up his mind to act promptly and vigorously whenever the act of cheating was detected; and so the next thing that occurs is the incident which undoubtedly did occur, the asking for the £10 more. I beg you to note the circumstances of this. It is the only incident to which there is more than one witness—the only incident—and there are three. What was the incident? Sir William Gordon-Cumming had a £5 counter staked, Mr. Arthur Stanley Wilson tells you. I do not know that it was on paper. For the moment I pass away from that. The £5 counter was on the table four inches beyond the line; then the £10 counter, the brown counter, was pushed, he says, just over the line; whereas Mr. Lycett Green, speaking of the same incident, says just on the line, but well away from the £5 counter. Then the banker loses and has to pay, and Sir William Gordon-Cumming says, "There is another £10, sir, to come here." That is to the Prince of Wales, upon which the Prince says, "Give him another tenner, Owen" (speaking to General Owen Williams), and "I wish you would put your counters so that they can be seen better," or something of that kind—"in a more conspicuous place," or some observation of that kind. The moment Mr. Lycett Green heard that said by His Royal Highness, his loyal heart was quite satisfied that there was something wrong. He jumped up from the table, and went away from the table; he felt that he had seen an act of cheating, and what was the course he took? This Master of Hounds knew what ought to be done. He knew that if you think a man is going to cheat, and you find him out at cheating, that then and there, on the spot, at any cost, you should make the accusation, or ever thereafter hold your peace about it; and so he had told Lord Coventry that if they found him out they would denounce him. He jumped up, full of valiant resolution, and he changed his mind. He went away, and—wrote to his mother-in-law!

It is not my fault, and it is not my wish, if the putting of these things in their close relationship appears a laughing matter. It is no laughing matter to the man I am defending here in this Court; but it is ridiculous to talk of evidence of people like this as evidence upon which a life is to be ruined and a reputation wrecked. He gets up and he goes into another room, writes the note, and sends it to Mrs. Wilson. Do you remember that odd little incident that occurred when my learned friend, Sir Charles Russell, was describing to you Mr. Lycett Green's conscientious and high-

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minded conduct? Said my learned friend, in the most magnificent tones of elevated morality which he could use: "Mr. Green saw this. He got up from the table; he would not play again. He did not sit down to play;" and my learned friends behind began tugging at his gown, and told him he was making a mistake, and he said, "Well, well, he did sit down, and played for the rest of the evening." Mr. Lycett Green comes back to that room again, sits down at that table with the man he called a scoundrel in the letter he wrote to his mother-in-law, and goes on peacefully playing during the rest of the evening—this Master of Hounds—and bottles up the accusation until the night after the Leger, when probably he felt a little more valiant, and he thought he might make it and stick to it, and ask to be secured against an action, if Sir William Gordon-Cumming threatened one.

Going through the incidents of the two nights, I have now come to the evidence of Mrs. Lycett Green, who speaks as to the £10. "Owen, give him £10 more," and so on, and the sort of thing that if it had occurred would have checked any inclination to cheat, supposing there had been any such inclination, and would have shown that the man was likely to be found out. One of the witnesses, Mr. Lycett Green, represents Sir William Gordon-Cumming—for to that picturesque and complete state the evidence has come—looking round to see whether people were noticing him before he put a counter over the line. If Sir William Gordon-Cumming had been cheating, and deliberately cheating, these whisperings of Mr. Stanley Wilson and Mr. Berkeley Levett on the first night, the getting up from the table of one of the players, and the sending the note in by the butler to the hostess, could not have escaped his attention, and must have checked it. Nor is it conceivable that if he had been cheating he would have called upon His Royal Highness to pay an extra £10, knowing that he dishonestly pushed that £10 counter forward and only put it at a place where its position would attract attention and comment. But, gentlemen, after this what happens? This letter had been sent to Mrs. Wilson; and now just that happens which you might expect. Up to that moment, on neither night, had Mrs. Wilson seen any cheating at all, but when Mr. Lycett Green wrote her a letter, and said Sir William Gordon-Cumming was a scoundrel and was cheating, she saw it at once, and saw it in such a manner that it is perfectly ridiculous to read the evidence, or to hear the evidence, which she gave on Friday. Mrs. Wilson was farther off from Sir William Gordon-Cumming than the Prince of Wales, General Owen Williams, Lord Edward Somerset, Captain Somerset, Mr. Berkeley Levett, and Lady Coventry, certainly—she was certainly farther off than all of these, and

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she says that she saw a £10 counter on one occasion dropped, and a £10 counter on another occasion pushed so openly over the line that she wondered the others did not see it. She might well wonder the others did not see it. There were three of them looking for it, Mr. Lycett Green, Mrs. Lycett Green, and Mr. Stanley Wilson, and none of them saw it. But more than that, you heard Mrs. Wilson's evidence on Friday. At that time Lady Coventry was handling the cards. Lady Coventry's hand had attracted the attention of the whole party. She was having a special run of good fortune, and, as I should have expected of Lady Coventry, only playing for small and trifling stakes—a few shillings, using these smaller class of counters—not gambling. She was being assisted with her cards by Sir William Gordon-Cumming. To that point, her cards and the place where those cards were being placed, the eyes of all the tableau were directed, for two reasons, not only because upon the success of Lady Coventry's cards their success depended, but because of all the players who were playing at that tableau, Sir William Gordon-Cumming was playing highest. He was putting the largest stakes, and so the attention of the whole tableau was directed to Lady Coventry's cards, and Sir William Gordon-Cumming's stakes, and it is only Mrs. Wilson, who has had a letter from her son-in-law, who sees him openly pushing the counters over the chalk line.

I have gone through the evidence of these two nights. I have pointed out to you that, so far from being the cumulative evidence of five witnesses, except for one incident, and that is the asking for the extra £10, which, if it had involved him in suspicion of dishonesty, would have brought that suspicion to the mind of His Royal Highness and of General Owen Williams—with the exception of that incident there is only one person to speak to either of these two different occasions, and you are asked to believe on their evidence that with all the resources and cleverness of a conjurer, Sir William Gordon-Cumming is manipulating the counters, and flicking them, or pushing them, or dropping them, or withdrawing them, and that he is doing all this with such remarkable and discriminating skill that he can be seen by everybody who expected to see him, and by nobody else. That is the case that is put before you. There is much detail, and there has been much detail as to other matters, and as to what was seen. The only way of testing witnesses like these is to ask them what they know about other things. You will see at once that an accusation like this made against a gentleman—he cannot answer it except by saying, "I did not do it." If he were playing honestly there is no coup out of the whole series that would attract his particular attention, and the

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only possible way of testing and gauging the evidence of people who come to make charges like this is by asking them to tell what else was happening, and to give particulars as to other things. It is a most remarkable thing, and I dare say you noticed my asking the question, that when Mr. Berkeley Levett and the other witnesses were speaking about this £5 coup and the £15 being received, I asked, I think in every case—I meant to in every case—"What did he stake the next time?" and they could never tell me. "What did he stake the time before?" They could not tell me on any one occasion, and though, if these people were right, their attention must have been riveted to the table, and they would have watched, one would think, what happened immediately afterwards, there is not one of them who can tell me what he staked before or what he staked afterwards, though the answer to that would show you at once that he was playing upon the system which has been described to you by Stanley Wilson, and, before we knew it was important, was described by Sir William Gordon-Cumming himself. Take an instance of their not being able to say what happened. My learned friend cross-examined Mr. Lycett Green as to the state of things on that evening with regard to which one would have thought the recollection, even of a Master of Hounds, would be clear. He is asked this:

"Q. Had Sir William Gordon-Cumming a piece of paper before him?—A. I cannot say.

"Q. Was he using a pencil?—A. I cannot say.

"Q. Was he smoking?—A. I do not know.

"Q. Had he a tumbler in front of him?—A. I cannot say."

And the moment you get them off the particular point which was in their minds, and which they went to look for—something which would indicate the cheating—the moment you get off that, they are all astray, and can tell you nothing at all about it.

I have seriously addressed myself to the analysis and discussion of the evidence, for this reason. If, as I hope and trust, you give a verdict for Sir William Gordon-Cumming in this case, it shall not, if I can help it, ever be said that that verdict was got from you by an appeal to your sympathies or to your pity. Other persons outside this Court are interested in this case. Other persons besides those of his own family look with the keenest eyes upon that which has been said from beginning to end of this case, and I want them to be able to say by-and-by, when they speak of the incidents of this trial, that his counsel was not content to beg from the pity or the sympathy of the jury a verdict of acquittal for a gallant soldier, but that he showed the jury by argument and analysis addressed to the evidence before them that there

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was no evidence upon which they could convict a gentleman of such an offence.

Now I pass from the analysis of this part of the evidence. It has taken me longer than I expected to have to spend upon it, but I must come to another subject. I have dealt with the evidence as to facts. The next part of my learned friend's argument was: "He must be guilty because his friends, the Prince, General Owen Williams, and Lord Coventry, thought that the evidence was overwhelming," and, as I told you I should, I now come back to this question of belief in the accusation. Lord Coventry and General Owen Williams have distinctly said that they believed in the accusation that was made against him. With regard to His Royal Highness, I would ask you to observe the careful terms in which His Royal Highness answered the question which one of your number put to him. Two questions were asked by one of your number; and the second question was an important one, as to whether His Royal Highness believed in this accusation, and I think you noticed that His Royal Highness, with an expressive movement of the shoulders, said: "They seemed so strongly supported—unanimously so—by those who brought them forward, that I felt that no other course was open to me but to believe what I was told." Now, those were the exact words of the answer, and I do not doubt that His Royal Highness had the impression upon his mind that he had been, when he dealt with this accusation, in possession of the evidence of five witnesses. But, gentlemen, he had nothing of the kind. The unanimous story of the five witnesses was nothing but the statement of Mr. Lycett Green, supported by answers to questions of His Royal Highness to Mr. Stanley Wilson, and by one answer of a most remarkable character from Mr. Berkeley Levett. Let me get rid of Mr. Berkeley Levett, for he, at all events, was one of the persons stated as being one of the witnesses on whose authority His Royal Highness at that moment felt compelled to accept the truth of the accusation against his friend. What happened with Mr. Berkeley Levett? We have heard from Mr. Berkeley Levett that His Royal Highness had listened to the statement of Mr. Lycett Green—he had asked questions of Mr. Stanley Wilson as to the details of that statement, and then he turned to Mr. Berkeley Levett and said, "I believe you saw it too?" upon which Mr. Berkeley Levett said, "Well, it is a painful thing for me" (or some words of that sort), "because he is an officer of my regiment, but I did"—but that was all that Mr. Berkeley Levett said to anybody, and the details of the accusation were not mentioned. The circumstances under which Mr. Berkeley Levett had seen it were not mentioned, and it is impossible to say whether the question was

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asked, a most important question, "Had your mind been put on the idea of cheating before you saw it?" It is impossible to say. All the evidence that was before them—this which is called overwhelming evidence—was the evidence of Mr. Lycett Green, supported, as I say, by the answers of Mr. Stanley Wilson, and by the only statement, as far as the Prince was concerned, from Mr. Berkeley Levett; and (it is amazing to think of it) General Owen Williams and Lord Coventry before they go to Sir William Gordon-Cumming have made up their minds what would be the best thing to do. I do not say that they had decided finally upon the course that they should adopt, but before they saw Sir William Gordon-Cumming they had suggested one to the other, "Let us have a promise not to play cards again, and a promise of secrecy, and then it will be all at an end." How Lord Coventry and General Owen Williams ever persuaded themselves that they could honourably adopt that course I cannot see. This man had been their friend for years, he had been the comrade of General Owen Williams for thirty years; they had been together as soldiers; they would have shared each other's perils; they would willingly have adventured life for each other had they been together, they very likely have done so travelling through the world; but the moment this accusation is made against him, made by people like this, meeting in this way, evidenced by this fragmentary statement, supported only by the confirmation of otherwise almost silent witnesses who agreed with what was being said at that moment, before they ask him whether there was any foundation for it or not, they suggest to each other, "Suppose he signs a paper that he will not play cards again, and then we get a promise from these people that they will not take any further notice."

Now that is the course which they took. It is not for me to comment upon them further. It is the most painful of duties to have to say as much as I have had to say. To me it is most painful, and I will not say a syllable more than I am compelled, but I cannot help pressing upon you the course which was taken with regard to Sir William Gordon-Cumming. If my learned friend, Sir Charles Russell, had not made so strong a point of this, I should have gladly abstained from commenting upon it, but he has made it the very point and front of this case, and he has said to you in your hearing, with indignant tones, "Is it possible that a man of honour should sign that which he is told, and which he knows, will be read and accepted as an acknowledgment of his guilt, when he himself knows that he is innocent?" I retort the question—"Is it possible that men of honour, after twenty or thirty years of friendship, applied

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to by their comrade to advise him in the circumstances of the time, could advise him to sign a document which would condemn him, as they believe, if ever the scandal comes to be discussed, a document which they have already told his accuser, Mr. Lycett Green, will be a safeguard and protection to him in case Sir William Gordon-Cumming ever brings an action against him for the slander?" I do not understand it, and I cannot imagine the thoughts that must have been in the minds of General Owen Williams and Lord Coventry. But this I know, there is one explanation I hinted at in my opening speech, hinted at in terms so carefully chosen that my learned friend might well have accepted them, and not forced me to put it in a stronger way—the reason was to save the Prince of Wales. I suggested in my opening speech that it was the idea of scandal attaching to the Prince of Wales that had induced the signing of this document. My friend would not have it. I put it as mildly as I possibly could, but my friend would not have it, and he proceeded to cross-examine Sir William Gordon-Cumming, and he of course obtained an apparently easy triumph over me from his evidence. He said to Sir William Gordon-Cumming, "Sir William, baccarat is an innocent game?—Certainly. You do not see any scandal about playing baccarat?—None." Of course not; he was playing baccarat himself. He thinks, as a great many people think, that there is no harm whatever in the playing of baccarat, and in my opening speech I did say, and I keep to it, that I do not see anything very serious in the way of reprobation which is to be dealt out to those who, having ample means and ample leisure, choose to enjoy themselves by games of this kind. I put it, and I do not want to get away from it, although, as I say, I put it in somewhat moderate language, having regard to the other circumstances of the case, but my friend would not have it. He insisted on it that there was no scandal affecting His Royal Highness—that the only possible reason for their suggesting this to Sir William Gordon-Cumming was that they felt that he was gone, that the evidence against him was so conclusive and overwhelming that he never again under any circumstances could hold up his head, and that it was in mercy to him that they suggested this writing and this settlement. My learned friend would not admit that there was any question with regard to His Royal Highness the Prince of Wales. Now, let me quite frankly say what I have to say before I read what Lord Coventry had to say about the matter. Sir William Gordon-Cumming and those who share the society which he then enjoyed are entitled to choose their amusements, and they may not think that there is scandal attaching to the playing of a game like this.

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But there are the great masses of our people whose knowledge of gaming principally is that a club is visited and the people prosecuted for playing baccarat there, or an innkeeper loses his licence because betting on horses is allowed on his premises; and in a great part of the community of which we are members there must be, I am sorrowful to think, a keen and an abiding feeling that this unhappy incident ought never to have been allowed to occur, because the circumstances were those which are at variance with the feelings and the consciences of the people. And Lord Coventry and General Owen Williams, when they were thinking of this matter, what did they think would be said if the scandal was over Doncaster racecourse the next day? They knew it would be said that at a country house at Yorkshire, the master of which disapproved of the playing of baccarat within its walls, that game had been played in the circumstances which I forbear to detail, but which now are familiar to you by the evidence in this case, and they thought, and as I believe rightly thought, that they would do good service to him whom they were bound to think of in circumstances of this kind, if they took a course which would allow the whole matter to pass into oblivion. We cannot, perhaps, all of us understand the feelings which they had at the time, but there is a strong and subtle influence of royalty—a personal influence—which has adorned our history with chivalrous deeds; and has perplexed the historian with unknighly and dishonouring deeds done by men of character, and done by them because they gave their honour as freely as they would have given their lives, to save the interests of a dynasty or to conceal the foibles of a prince. That is what was in the minds of Lord Coventry and General Owen Williams. It is perhaps a generous and a loyal feeling; but, what has seemed to me during the days of this trial the cruelty of the whole thing is this. We know that was what was felt. There is no room for controversy now. It does not rest on the speculation of an advocate, or the inference from the ambiguous answer to a question. Here in Lord Coventry's diary we find it, written the next day, contradicting every syllable of the speech which, in ignorance of that diary, my learned friend made when he was opening his case: "We were induced to recommend this course because we desired, if possible, to avoid the scandal which would naturally attach to the publication of the circumstances, and to keep the name of the Prince of Wales out of it; and also out of consideration for our hosts, Mr. and Mrs. Arthur Wilson, who are at this time in domestic affliction."

That closes the controversy between my learned friend and myself as to the reasons for which it was desired to keep

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this secret. But if we are to think with approval or even with leniency of the conduct of General Owen Williams and Lord Coventry in allowing their old friend to take this course, which he is now denounced for as a dishonouring act, is there not something to be said for the sentiment of loyalty on the part of Sir William Gordon-Cumming? He knew as well as Lord Coventry that the scandal would be an unpleasant one. He knew it would cause pain to the Prince whose kindly friendship he had enjoyed for so many years. He owed much to the Prince of Wales. It is easy for a prince to pick up friends—one passes away—there are plenty ready to come if he will only accept them to his intimacy and his confidence, and it is felt, and must be felt, to be an honour to a man to be admitted to such intimacy and confidence. Sir William Gordon-Cumming had enjoyed it and was grateful for it, was loyal to the Prince who had been so kind to him; and if Lord Coventry and General Owen Williams are to be approved or excused when they advised their old comrade to sign the paper which they knew doomed him to a life of suspicion and of misery and of ultimate dishonour—if they are to be approved or excused for doing that, because of their devotion to the Prince whom they desired to serve, let Sir William Gordon-Cumming at least have this credit too, that he, protesting he was not guilty, asking to be sent to his colonel, or the commander-in-chief, for investigation, when the paper at last is brought to him, and he is told that unless he signs it he will next day be denounced as a cheat, refusing then to sign it, as Lord Coventry told you, turning away—he will not put his hand to the paper, and at last he turns to them and says, “Coventry, you are an old friend of mine. Owen Williams, we have been comrades for years. Advise me what to do.” They advise him to sign it.” Was there no loyalty to the Prince of Wales in the man who sacrificed himself, as his old friends were willing to sacrifice him, in order to save the reputation of one whose kindness during those years, whatever may happen here, will always be a recollection he is entitled to remember with pride? He has been taunted by my learned friend; it has been said that his conduct in signing this must condemn him, and you have been asked, in those tones whose power I for one am able to appreciate, to say that after the signing of that dishonouring document, for that is my friend’s own word, there is no room for controversy—that the book is closed, the account made up, the evidence concluded, and that the signing of that document condemns him for all time. Just think, the mind they must have been in who suggested his signing that document. My friend, to my amazement, when I had spoken about the disturbing hospitality of Tranby Croft, turned to me and asked if I suggested that Sir William

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Gordon-Cumming was drunk on that night of the 10th. Well, the brief insanity of drink would be perhaps an easy explanation. I give no such explanation. The Prince of Wales, General Owen Williams, and Lord Coventry were all parties with him to the signing of that document, and to the terms which were embodied in it. What did they think? Did they think that this was going to be kept a secret? They say they did. If you believe them, you accept their veracity at the expense of their good sense. Who could have imagined it would be kept secret? Why, the next day, on Doncaster race-course, the party from Tranby Croft appeared, and Sir William Gordon-Cumming was not with them. The question is asked at once, "Where is Sir William Gordon-Cumming?" "Oh, he went to town this morning," told to men with whom probably he had made arrangements as to meeting them, as to the transaction of pleasure or of business upon the racecourse; and then there is, as you know, the "pronouncing of some doubtful phrase, as 'Well, we know,' or 'We could an if we would,' or 'If we list to speak,' or 'There be an if they might,' or such ambiguous giving out," as leaves the stigma on his character. And here, again, he is not to go to Mar. He has been the friend of the Duke of Fife, and has an engagement to visit there, and he has to send an excuse—not to come. What questions would be asked then? Or, again, the next time he goes to take his place at the mess. He goes to take his place at the mess as an honourable man, with the consent and the concurrence of the Prince of Wales, and General Owen Williams, and Lord Coventry. The mess breaks up, the whist table is there, and instead of sitting down as usual he says he is not going to play, and he must make some excuse, and Lord Coventry, to whom, of all men in English society, perhaps, one might fairly have thought one could appeal as a man of sense as well as a man of honour in difficulties of this kind, says, "I never thought it would come out, and as to what was to happen if it were talked about, I never thought about it at all." Why, of course that happened which anybody could have foreseen, it became known.

Now, is it true that he tried to slip out of the army with half-pay, without an investigation? It has been negatived by the evidence. The first person, according to the evidence, who suggested submitting this matter to the commander-in-chief, or the commanding officer, was Sir William Gordon-Cumming. He suggested it, they say, in His Royal Highness's presence, and nothing was said in answer to that suggestion by His Royal Highness. Afterwards, in the agony of the necessity of finally deciding if he will put his hand to that document or not, he refuses to sign it, and says again, "I

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want the case put before the commander-in-chief," and then General Owen Williams says, "I was nettled at the suggestion." General Owen Williams positively resented the suggestion that the matter should be put before the commander-in-chief, and so the unhappy and ill-advised soldier goes his way, and hopes against hope that nothing more will be heard of it. He is living in the misery of knowing that, while the scandal affecting the Prince has by his self-sacrifice been for the time avoided, he has left in the hands of somebody else a paper which no one will ever hereafter see, if it be brought to light, without believing that he acknowledged himself a cheat. During those months of misery he tried to live his usual life, and then he found that it was beginning to be known, and he was the first person who went to the military authorities, and on the 25th of January put the matter before Colonel Stracey. My learned friend talks about trying to slip out of the army with half-pay. If, when the matter had recently taken place, in September, October, November, or December, he had sent in his papers and asked to retire on half-pay and said no more, he probably could have done so and secured his honourable retirement from Her Majesty's service, but when he had once told Colonel Stracey what had taken place he made it impossible for him to retire upon half-pay without an investigation. That once said (and it was the first time Colonel Stracey had heard of it), Colonel Stracey himself could not allow an officer to retire upon half-pay without informing the authorities of the army that against that officer a dreadful and serious accusation had been brought. So, on the 25th of January, at the very moment that he went to Colonel Stracey with regard to the retirement from the army, sending in his papers as the natural accompaniment of telling Colonel Stracey what had taken place; an event which he knew must be followed by a military inquiry; when he went on that day he put it absolutely out of his own power—out of hope—by his own action—that he should be allowed to retire on half-pay.

The LORD CHIEF JUSTICE—He applied to retire.

The SOLICITOR-GENERAL—Yes, on that day, telling Colonel Stracey.

The LORD CHIEF JUSTICE—He applied at the same time to retire on half-pay.

The SOLICITOR-GENERAL—Yes; "simultaneously" was the word he used. He applied to retire on half-pay, but instead of trying to slip out of the army before Colonel Stracey had heard of it, and getting his retirement on half-pay, and then the matter being heard of when it was too late to investigate it, he told Colonel Stracey at the same time, and so made it inevitable that an inquiry should take place before he was

Reply for Plaintiff.

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allowed to retire on half-pay. Now, observe what happens the next day. Up to that date—the 25th of January—he had no knowledge of what had been said against him at all. He had asked Lord Coventry, “What do they say?” and Lord Coventry did not know any detail, and could not have told him. He had asked Lord Coventry the name of his accusers, and he had been told of Mr. Lycett Green and Arthur Stanley Wilson, and Lord Coventry does not know he had been told any other name, but on the 26th he went to the friends by whose advice he had signed the paper; he saw them in the morning; it was arranged they were to get the paper and see him in the afternoon; he came back in the afternoon; he read the précis; he took objection to that part of it which was indicated by Lord Coventry, and he then said to them, “What do you advise?” They had no advice to give him. Their views had been bound and closed up by the idea of this never coming out at all. They had treated him as a friend afterwards. They had shaken hands with him after he had signed what they called a dishonouring document. They had met him at the clubs; General Owen Williams had written to him, “My dear Bill;” Lord Coventry had written to him, “Dear Sir William,” and “Yours truly, Coventry,” after this time; and then, on the 26th, when they are face to face with that which they should always have foreseen, their capacity for advice is gone. They have no advice to give him at all. He took his own course. It is for you to vindicate that course by the verdict which you give in this case. He determined upon a public examination of these facts. He applied for a copy of the record. Until he got a copy of the record he could not tell who had actually made the statement against him. On the 5th of February he got a copy of the record, and on the 6th of February a writ was issued against every person mentioned in it as having made a statement to his discredit. By every means that we have known this trial has been hastened, in order that he should be able to come into Court to vindicate himself, and when the trial is called on he goes into the witness-box first, to face that cross-examination which has terrors for men who have shameful secrets to conceal, or a disgraceful past to reveal to the world, but has no terrors for a man who could come into this or any Court, and face any cross-examination which envy or malice could suggest, knowing that “whatever record leapt to light, he never should be shamed.” So he gave his statement and his evidence before you, and it is for you to decide upon it. I ask you, in his name, to clear him of the charge. It is too late to undo much of the mischief which, however this case was treated, could not but arise from this discussion. It may be too late to save the reputation of some of those who have been mentioned in

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the case; it is not too late for you to prevent the completion of the sacrifice of a gallant officer to the desire to keep a painful secret quiet. The motto of his race is "Without fear." He came without fear into the witness-box, for he had nothing to conceal. He sits without fear at this moment, for he believes, as I believe, that honesty is safe in the hands of a British jury, and that he has good reason to hope that the result will happen, which I believe will not be unwelcome to some of those upon whom I have been obliged to make sharp comments—that result which will assure the Prince, General Owen Williams, and Lord Coventry, that they made an honest but a sad mistake—that the man they had known and honoured was worthy of their friendship and their esteem—a result which will wipe a stain from a noble service and a gallant regiment, and will send Sir William Gordon-Cumming back, with that title-deed in his hand, to public service and private friendship, which will be written in the verdict given by you that clears him of this foul charge.

The Court adjourned.

Charge to Jury.

Seventh Day—Tuesday, 9th June, 1891.

Upon his lordship taking his seat upon the bench,
General OWEN WILLIAMS—My lord, as a witness in this case I have to ask your lordship's protection. Yesterday the Solicitor-General, in the course of his speech, thought proper to accuse Lord Coventry and myself—

The SOLICITOR-GENERAL—My lord, I ask your lordship that no statement of this kind should be allowed to be made in Court. General Owen Williams has no privilege here.

The LORD CHIEF JUSTICE—What do you want protection from?

General OWEN WILLIAMS—We were accused of crime, my lord—of an abominable crime.

The LORD CHIEF JUSTICE—I do not now recall the expression; but I am afraid the law is inflexible.

General OWEN WILLIAMS—We were accused of sacrificing an innocent man.

The LORD CHIEF JUSTICE—In the discharge of his duty there is no control over the proceedings of counsel.

General OWEN WILLIAMS—I was going to ask to be put into the witness-box in order to refute the statement which counsel made without any evidence or justification. I ask it, my lord, with great respect.

The LORD CHIEF JUSTICE—Counsel must always speak under the sanction and the control of their professional duty, and I am afraid that if you consult authorities you will find that there is absolutely no restraint on the language of counsel when it is relevant; and, indeed, it is very doubtful whether there is restraint when the language is not relevant.

General OWEN WILLIAMS—I only thought it due to myself, my lord, to apply to be put into the witness-box and refute that statement.

The LORD CHIEF JUSTICE—I am afraid I cannot allow you to do that.

Charge to the Jury.

The LORD CHIEF JUSTICE—Gentlemen of the jury, in this case Sir William Gordon-Cumming is the plaintiff, and the five persons whose names you have heard repeatedly in Court—Mr. and Mrs. Lycett Green, Mrs. Arthur Wilson,

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Mr. Arthur Stanley Wilson, and Mr. Berkeley Levett—are the defendants, and the action is an action of slander. Sir William Gordon-Cumming complains of the defendants that they have stated of him defamatory words which are actionable. Some time ago there might have been considerable difficulty in establishing that the words used on this occasion were actionable. I do not say that it could not have been done, but there would have been some difficulty about it. But by a statute of the Queen, passed in the 8th and 9th years of her reign, chapter 109, section 17, it was expressly enacted that any one who cheated at cards—I put it into short language for you—should be guilty of a misdemeanour, and punishable accordingly. Therefore, since the passing of that statute of the Queen, if there was any doubt before, that doubt has been cleared away, and unquestionably the charge in this case is a charge against Sir William Gordon-Cumming, on which, if he had been indicted in a Court of criminal justice, he might have been found guilty, and, if found guilty, he might have been punished.

Now, the distinction between an action of libel and an action of slander is this: they are both comprised under the general name of defamation. You may defame your neighbour by writing, or you may defame him by word of mouth, but the rules of law as applied to writing and to words spoken are very different. The law has always, time out of mind, borne very much more hardly upon written statements than upon statements made by word of mouth, and for obvious and good reasons. A man must think and consider before he puts down on paper anything to the detriment of his neighbour, but a man in heated blood, in passion, provoked, under a sense of injury perhaps to himself, may say a variety of things defamatory of his neighbour which, unless they are followed by certain legal consequences, the law has always held not to be subject-matters of action. But it has always been held that if you accuse your neighbour by word of mouth of a crime it is not necessary to go further. If you charge a man with an indictable offence, or with other things which I need not trouble you with, although that was only by word of mouth, an action will lie. In this case, therefore, there can be no doubt that, Sir William Gordon-Cumming having been accused of an indictable offence, he has an action at law if he thinks fit to bring it. In this case we are free from any question as to whether the occasion is privileged or not, which sometimes raises difficulties. There may be times when it is not only the privilege but the duty of a man to make a statement defamatory of his neighbour. Always he may make it if it is true, and if he can prove it to be true that is an

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answer to a civil action. The truth is the question in this case. The sole question is whether in the words that the defendants uttered of the plaintiff they spoke the truth. That is the simple question. If they did speak the truth, if you find that the defendants spoke the truth in substance—because no one is held to every syllable and every letter of his accusation—and in good sense—your verdict ought to be for the defendants. If you think that what they have said—in the same way looked at broadly as a matter of substance—is not true, that Sir William Gordon-Cumming did not in any common and ordinary sense cheat at cards, then your verdict ought to be for him. If your verdict is for him, then there is the question, which I take first in order that it may not prejudice the matter at all, of damages.

The question of damages has been very temperately and very properly put by the Solicitor-General. Sir William Gordon-Cumming does not come here to make a fortune out of the pockets of rich defendants. He disclaims it altogether, and, although the personal and wordly position of the defendants is a matter that you have a right to consider, in this case you are relieved from any such consideration by the course taken by the plaintiff's counsel (which I heartily approve), that this claim is not put forward as a means of getting money, but that it is put forward as a means of clearing character. Character, as the Solicitor-General has very properly said, will be sufficiently cleared by such damages as are commonly called not contemptuous. If you give a substantial verdict that is quite sufficient. Of course, if you think there are any circumstances which, on the one hand, tend to increase the guilt, so to say—the improper conduct—of the defendants, or, on the other hand, if there has been conduct on the part of the plaintiff that, without justifying, shows that there was a good deal of ground for what they said, or that he, by his conduct, gave colour to the statements that were made—then, although that is not strictly speaking to be taken into your estimate, yet inasmuch as it removes all circumstances of aggravation, and inasmuch as it shows that the statements were made *bona fide* and without any personal malice, it so far tends negatively to mitigate the damages. I think that is pretty nearly all I need say upon the damages.

If you think there is any reason to suppose that there was any spiteful intention to oppress, to crush, to annoy, and to destroy, that is a matter—quite irrespective of the position in life of the defendants—that ought to be considered. If, on the other hand, you think that Sir William Gordon-Cumming, although a gallant soldier, gave cause for what was done, and prevented, by the action he took,

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either the softening or the withdrawal of the charge, that ought to tend—I won't say to mitigate the damage, but to remove from your minds any ground for increasing the damage beyond that which, if you think the statement untrue, it would be proper to accompany the verdict with. Now, gentlemen, these are observations with which I have to begin this case. I am thankful that I have allowed the night to intervene, for, without wanting to pay undue compliments that it would be unworthy of me to pay and for other people to receive, I cannot help feeling that you were subjected yesterday to influences of unusual power and ability. The learned counsel whom you heard are certainly, if not the foremost, among the foremost men of which the English bar can boast. They used their great powers to the utmost, and it is more satisfactory, perhaps, that the humble jog-trot of a summing-up should intervene between you and your verdict than that you should come to a verdict with your minds necessarily disturbed by the very great ability which both learned counsel showed yesterday.

There are two points to which you must steadily direct your attention. The two issues are, guilty or not guilty on the part of the defendants, and, if the defendants are guilty, then the amount of damage. I must say to you what is by no means in this case a matter of course—I entreat you to keep your minds steadily on the evidence in the case. A learned and very able counsel told you the other day that he hoped you would understand a good many things that I did not, and, so far as he is concerned, the whole thing has passed away from my mind. He was entitled to make that remark if he thought fit. But he also said he hoped you would understand a good many things that did not appear on the surface. Now, against that, gentlemen, as a judge, I most emphatically protest. We have nothing to do with things that are not upon the surface. We have come here to try an important, but a simple issue, and not what there is beside that issue in the public mind, what there may be in the public press, or what there may be in our own minds; for, strive as we can, we are but men after all—whether judges, or jurors, or counsel, or the rest of us, we cannot discharge it. When people talk from my place as I have heard, “You will put aside everything you have heard before,” and so on, it is asking juries to do what they cannot. But juries can watch themselves carefully, and can, as far as it is possible to human beings who are actuated—as I have no doubt you are actuated—by a sense of conscience, and of right, and of truth, confine themselves to what they have heard proved. I say that for this reason. It is not only a legal, but a matter-of-course saying, that presumption must

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not stand in the way of evidence, and belief must not stand in the way of truth. In a case of this kind, exciting great public interest, as the state of the Court for a week has shown, and as the placards in the streets also show, it is most essential that things should not enter into your mind, or, if possible, into mine, to affect the case which have not been proved before you. For this reason. Did any one of you twelve sensible men never hear anything discussed generally and loosely in society which, if it had ever become your duty to examine carefully, you would have found extravagantly overstated and woefully mistaken on one side or the other? Before the facts are subjected to the sifting of a Court, before they are proved upon oath, and before that oath has been tested by the proper and reasonable process of cross-examination, it is certain that things will be stated, and that colour will be given to transactions which, upon fuller and fairer investigation, will be found to be absolutely untrue and unreliable.

You have heard a good deal said about this game of baccarat, and you have heard things said about gambling, and so forth. A very great man who has lately gone away from us into the other world has said that "gambling is an excessive, extravagant, and injurious habit," and holds it to be "wrong and sinful because it stimulates, and often cruelly and fatally stimulates, the vice of covetousness and the desire of getting money out of other people's pockets without paying." That is not my saying, because I protest against using this place as a pulpit. I am not here for anything of the sort. I am not here to lay down moral laws for other people. God knows, I want to be told my duty myself often enough. That is what was said by a great archbishop, and, therefore, I suppose it had foundation in fact. It may be so. It may be that in this case you have heard things, heard of conduct, heard of a state of society and a mode of life which you do not agree with, and which would give you no pleasure. It may be so, but there is nothing more easy, there is no more plausible or pleasant form of virtue, than to condemn our neighbours when we do not lead their lives and do not know the temptations they are subject to. All people have their own temptations, and it may be that the persons whom we are disposed to criticise for this, or that, or the other thing which seems to us to be wrong, would upon other things find just the same fault with us if we could hear what they said of us. What in the old and famous hackneyed quotation was true in the time of Charles II, is none the less true now. Men

"Compound for sins they are inclined to
By damning those they have no mind to."

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If we do not like baccarat, if we do not like gambling, if we do not like the sort of life which has been revealed to us as passed constantly by a good number of people connected with this case, our remedy is very easy. It is no part of our duty to condemn our neighbours. We know nothing about their temptations, and nothing about their lives. We are not living amongst them, and we can simply keep out of it if we like. That is the proper thing for a man to do—not to let himself be run away with by an unreal and very easily expressed dislike to this or that and then proceed to found a judgment. It becomes wrong itself if, without knowing anything whatever about it, we proceed upon unproved facts to find fault with and condemn our neighbours. It is a tolerably common breach of the Ninth Commandment, but besides being a breach of the Ninth Commandment, it is a thing that no fair-minded man who considers what his ordinary duties in the world should be will do if he thinks about it. But most of us do not think about it. I have ventured to say this now because these things were pressed upon you in this case. You have heard a great deal about them here. You may have heard a great deal about them elsewhere. They have nothing to do with the matter. The actors in this case, on both sides, have a perfect right as long as they keep within the law—and from prince to peasant there is but one law, and I hope and trust that in this Court it has often been shown to be so—prince and peasant alike have a right if they think fit to spend their time in pursuits which do not suit you and me perhaps—in which you and I very likely should not like to spend our lives. This is a free country. We do as we like, and others do as they like. It is very easy to fancy a good many things not evidence in this case. My mind, being what it is, cannot help fancying a good many things that have not been proved. I cannot help having a shrewd suspicion about many things. But, as far as I can—I say it myself and urge it upon you—I put it all aside, and strive as best I can to discharge my mind of what, in the pursuit of my duty here, and in the pursuit of your duty here, we have no right to think of.

The question is a simple one—not an easy one, but a simple one. The question actually before you is: did Sir William Gordon-Cumming cheat? I do not apologise for saying these things, because if at my time of life, and after many years have been passed in what ought to have been the pursuit of truth and justice, I feel a difficulty in discharging my mind of these things, you, who are my equals and superiors, I dare say, in a great many matters, but you who have not had my experience in this matter may very

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likely feel the temptation which I confess to you I feel. Therefore I do not apologise to you for saying these things. If you have felt them improperly urged upon you I pray you to forgive me.

There is one other matter before I come to the actual question of the cause referred to in the Solicitor-General's very able speech. He said yesterday, in substance and in much better language than mine, that the eye of man sees what it expects to see, and that you were to disregard a good deal of the evidence in this case, or, at all events, to subject it to a very severe discount, because the people who came to speak of the particular acts of cheating went into the room where they saw them with—I will not say a pre-determination, but with an expectation to see them, and that therefore what would not have been proved to another person was proved to them. That is an old saying, but a perfectly true one, and it was very well put to you yesterday. I daresay you may have had in your mind the well-known lines:

“What nobler marvels does the mind
In life's prospect find—
Find or there create!”

People who bring an intelligent and a willing mind create and believe they see a number of things which they do not. In a certain sense this is true—perfectly true. If you are firmly convinced of things, it is perfectly true that less proof will satisfy you than if you were not so convinced. On the other hand, as in the case of the conjurer's tricks, they deceive you because you are willing to be deceived. But it is a great question whether any such general observation holds good in the specific question involved in this case. You will ask yourselves presently whether the witnesses, whose evidence I shall, to some extent, recall to your recollection, at least at first had any suspicion or any expectation in their minds, and, next, whether the specific details to which they depose are details which any amount of imagination could have produced in their minds? It may be so. You will judge. It is an important question for you to consider.

Now, then, what is the charge? The charge is that on two nights—8th and 9th September last—the plaintiff, at Tranby Croft, the house of Mr. Arthur Wilson, cheated at cards. Removing for the present the question of abstracting counters from the stakes, of which we have heard so much and on which it seems to me so very little turns, substantially the cheating was all of one kind. It consisted of adding to the stakes after it was safe to do so; after it was known

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to be safe to do so. The whole point, and, of course, the whole fairness of gambling and of betting is, as the great man whom I have just referred to says in the same article, "the buying of a chance." If you do not buy a chance—if you do not run the chance—then you are cheating. As I understand baccarat—which is very imperfectly—except by adding to your own stake or taking away from your own stake, I do not see that there is any other mode of cheating, as each plays for his own hand. Therefore the question is here, did he in truth add to his stakes several times on the 8th and several times on the 9th. I propose to recall to you, first of all, the evidence of the defendants, and for this reason: in this case the ordinary relations of parties are reversed, and it is the defendants upon whom is thrown, by the action of Sir William Gordon-Cumming, the proof of the affirmative. If they do not make out the affirmative, whatever you may think, whatever you may suspect, Sir William Gordon-Cumming is entitled to the verdict. The defendants put the justification of truth. They say it was true, and if it was true they had a right to say it.

The first witness I will trouble you with is Mr. Arthur Stanley Wilson. You must judge for yourself whether there was much ground for the reproof administered to him by the Solicitor-General, as to what occurred on the first night. Mr. Wilson said, "I did not see anything to justify me in saying that Sir William Gordon-Cumming was cheating. I thought he was lucky." Then afterwards, when he and the others were thoroughly satisfied as they say that he did cheat, they shook their heads and said, "We think now that he has cheated." That is a matter of opinion merely. They may have been wrong about it. If they are earnest and truthful about the other acts of cheating, I cannot see that it is anything against any of them to say: "We did not see anything on the first occasion. We cannot undertake to say that he cheated, but he did certain things, and the result to him was the same as if he had cheated. Therefore, we feel inclined to look back and to say that we think he did cheat." I cannot see that that is any imputation upon them at all. At the time they did not suspect. Something happens afterwards which brings it to their minds that he was cheating. Then Mr. Wilson went on to state that the next thing he noticed was when Lord Edward Somerset took up the cards. While looking to see what cards Lord Edward Somerset had he saw something red in the palms of Sir William's hands, and that he knew must be a £5 counter. Observing that Lord Edward Somerset had a natural, he (Sir William) let drop out of his hands three more red £5 counters, and he was paid £20 for his coup. On another

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occasion, the witness said, he saw the plaintiff draw back his counters when the coup was against him. As far as I know, there is no distinct statement from which the charge of withdrawing the stakes can be made out as a matter of cheating in the evidence given here, except that of Mr. Wilson. I do not forget the *précis*, but from the evidence I think Mr. Wilson's statement is the only one from which it can be inferred. Mr. Wilson does not say that he did it. What Mr. Wilson meant to say, no doubt, was that he saw so much that he believed he saw more, but after the lapse of time, and on consideration, these are the only facts which he will undertake now upon his oath to say distinctly to you that he saw.

Then there was the interview with Mr. Levett in the bedroom, and as to the scene there it is said that it was very unlikely that Levett exclaimed, "Good God! Sir William Gordon-Cumming, Bart., found cheating at cards!" This is for you to judge. Translate it into another sphere—my friends will forgive me—translate it into another profession. Suppose such a thing as a man of very great eminence in another profession swindling. Would it be so very extraordinary to exclaim, "Good heavens! Here's the Lord Archbishop of Nova Scotia, Prelate of the Order of the Sun, found swindling!" Would it be an unlikely thing for a man to say? Of course, I have used names that are impossible, but I put that as an example. Would it be a very unlikely thing for any of us to say? I cannot say that I think it would, but, of course, my opinion may be very different from yours. Mr. Wilson ordered another table for the second night. It was covered with baize and had a chalk line round it, drawn by the hand of the Prince of Wales, which it was thought would prevent cheating. It has not been suggested that anything had been told the Prince, and no doubt the change was made in order to make this baccarat table like other baccarat tables. My acquaintance with baccarat is confined to this cause, and I do not pretend to know how far that is true. No doubt it is so, and the chalk line is a convenient mode of determining where the stake is to be put. A point was made—and not a bad point at all—that on the first night there would be a difficulty in being sure of any act of cheating in consequence of the colour of the cover on the table. This was an extemporised table made of three whist tables, the centre one being rather higher than the others. I could not quite make out whether they were all covered with a large tapestry cover or each separately, but at all events they were all covered with what they call tapestry covering—that is to say, a covering with a pattern upon it, which would make it of a uniform sort

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of brown colour. Thus they say that the counters would not be so conspicuous as if they had been upon white paper, and that, inasmuch as Sir William Gordon-Cumming had his counters on white paper, cheating in his case would have been much more easily detected, and that if he had intended to cheat he would not have used white paper. That is to be borne in mind on the first night. On the second night it was a green baize cloth with a white chalk mark round it. In cross-examination reference was made to a system of playing baccarat which sounded like *coup d'état*. Of course, it could not be *coup d'état*, but it was some French term used to describe a certain way of playing.

The SOLICITOR-GENERAL—*Coup de trois*, my lord. It consists of playing three coups in succession, according to a certain rule.

The LORD CHIEF JUSTICE—At any rate, the effect of it would be that, if £5 were staked originally, there would be three counters of £5 each on the table.

Sir CHARLES RUSSELL—There would be six counters, my lord.

The SOLICITOR-GENERAL—If he won the first two coupes there would be six counters.

The LORD CHIEF JUSTICE—It is not suggested that any one could benefit by another's cheating at baccarat. This brings to my recollection the great case which was tried when I was a little boy, the case of Lord De Ros.* In that case people did play on after they knew he was cheating, and people of high rank too. They had him as their partner, they won, and they put their winnings in their pockets. That is the only case in which I remember anything of that kind being done by people of any character.

I now come to the evidence of Mr. Berkeley Levett, who was rather severely dealt with by the Solicitor-General. Is it so unlikely? Here is a young man in the Scots Guards, a lieutenant, twenty-seven years old, a friend—so far as six years could make a man a friend—of Sir William Gordon-Cumming, who had been for some time under Sir William Gordon-Cumming's command. He liked Sir William Gordon-Cumming, and they were very great friends. He was forced against his will—very much against his will, apparently—to see this act of cheating. In the first place he said, "The thing is impossible; you must be mistaken. I cannot believe it"; and then Mr. Stanley Wilson said, "See for yourself." Both he and Mr. Wilson agreed, when they met afterwards, that they had seen something, and then it was that Mr. Levett said, "For God's sake, leave me

* See Appendix II, p. 292.

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out. I am in the man's regiment, and he is my friend, and I saw it, but don't say anything. I would not for the world be mixed up in it." Then, before he went to the races, too, he saw Mr. Lycett Green, and he said, "For God's sake! keep me out of it," to which Mr. Lycett Green replied, "Well, if I can I will." Now, was it at all unlikely that a young man, a young officer in the same regiment as the plaintiff, the friend of the plaintiff, who liked and respected the plaintiff, and who besides was jealous, as a young man very properly would be, for the honour of his regiment, would say that? Was it unlikely that, having got into the scrape, whether he would or not, not expecting to see the thing, and having in the first place said it was impossible, and must be a mistake, and then seeing something which he took to be cheating—was it unlikely for a young man in such circumstances to say, "I have seen something, and I will not look any more. If it is put to me, I have seen something, but I will not see anything more." Then the Prince said to him, "Did you see it, Mr. Levett?" and he replied, "It is most unpleasant and awkward for me. I am in the same regiment." Now, the Solicitor-General told you that that was a thing not to be believed. That is an observation of an effect and character which I must leave to you. I confess it does not so strike me; but I must leave it to you. I should have thought it the most natural thing for a young man who had seen something that when he is pressed he must needs speak, but he says as little as ever he can. He did not go, as Lord Coventry and General Owen Williams told us, to the Prince. He was not one of those who in the first instance went to His Royal Highness, and it was not until after they had laid the matter before the Prince of Wales that he was sent for, and then he went, and the Prince of Wales asked him certain questions. Then he (Mr. Berkeley Levett) was cross-examined, and you can judge of the way in which he stood cross-examination. The Solicitor-General was, I do not say sharp, he was very proper. Sir Edward Clarke had a duty to perform, and he was bound to cross-examine these people severely, in one sense, so as to be quite certain that the witnesses thought they saw what they have told you.

Then Mr. Lycett Green is the person upon whom the storm has fallen. He has been made great fun of by the Solicitor-General; it is impossible not to be amused by the way in which he put it. He put it very cleverly, and I daresay he made Mr. Lycett Green—if he was in Court—very uncomfortable—but it is for you to say whether Mr. Lycett Green was not a witness to the truth. They all seemed to have received with utter incredulity the allegation that the plaintiff

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had cheated at cards. I think the Solicitor-General forgot that the position was not an easy one. There were a great many ladies there. It was not only that Mrs. Arthur Wilson, Mrs. Lycett Green, and Lady Coventry—whose names we have heard—were there, but there were besides Lady Brougham, Mrs. Owen Williams, and Mrs. and Miss Naylor; and therefore, with these six ladies present in that room, you must say for yourselves whether a young man was so very much to blame in not having a row before these ladies.

I shall have to say a word by and by of the way in which the Prince of Wales has been treated and spoken of in this case, and no doubt the great interest centres in the presence of the Prince on the various occasions. It cannot be doubted that that presence was a controlling one, and one which made Mr. Lycett Green naturally indisposed to a personal conflict, which it must have come to between himself and Sir Gordon-Cumming. Whether the Master of the Hounds—as the Solicitor-General was never tired of calling him—or Sir William Gordon-Cumming, Baronet, lieutenant-colonel in the Scots Guards, was the strongest I don't know. Just consider the case seriously. Is it very much against the man that he should reason with himself? "I cannot stand this; I must and will have this out," and then, looking round the room, on seeing seven ladies present, he goes on to think. "Well, I don't know. There will be an awful row if I say anything. There can be nothing but a personal conflict. Is it decent, is it right, in this house, before these people, to go into a regular row?" Of that I will not pronounce an opinion. Thank God, I have no experience of what might have happened, or of what should be done under the circumstances; but I cannot but think that some mercy might be extended to a man who has attained the ripe age of thirty years—which I suppose a great many of us would wish to get back to—who, thinking this, finally decides to write the letter. It may be that the Solicitor-General is a better judge as a younger man of what he would do; but is it so certain with all possible belief in his courage that he would have done anything different to what Mr. Lycett Green did? Is it so sure what an innocent and honourable man might not have done under the circumstances? It is for you to say. We have had our laugh and enjoyed it. Now we must ask ourselves gravely whether there was anything unreasonable in what Mr. Lycett Green did.

We come to the next morning, when they discussed this matter. There was one expression which I wish the Solicitor-General had not used. I admire his speech very much, and wish he had not called Lord Coventry "a false friend." I do not see that he did anything to deserve it.

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The SOLICITOR-GENERAL—My lord, your observation gives me an opportunity which I should like to take advantage of. It is the only sentence in my speech which I unfeignedly regret. I did not mean to impute to Lord Coventry and General Owen Williams that they were false friends in the sense that would be carried by those words.

The LORD CHIEF JUSTICE—I am glad to hear you say so. I thought it was too strong; Lord Coventry is an honourable man; he gave his evidence, and General Williams was a friend too; and he was the friend of the Prince of Wales. One of them gave a very good reason. They said that these five persons told them that they had seen cheating, and they were certain of it, and therefore before they did anything more they must tell the Prince of Wales. The plaintiff was there as the Prince of Wales's friend. His Royal Highness has told us that he had known him twenty years; for ten years he was entitled to say he was his friend. Here are two men—the one a peer, the other a general in the army, and both of them men of unspotted honour and character—and they say, "We did not think it was right that the Prince of Wales should go on extending his friendship and favour to this man without being told of what these people say against him." The Prince sends for the three gentlemen, Mr. Lycett Green, Mr. Arthur Wilson, and Mr. Levett, and also for Lord Edward Somerset, Captain Arthur Somerset, and Mr. Sassoon; Mr. Lycett Green is the chief. Let me say of him what I think the Solicitor-General forgot, that whatever else he is—whether he is Master of Hounds and hunts four days a week, whether he is wise or foolish—Mr. Lycett Green, by the account of everybody in this case, was a man who did not want the thing burked. He was the man who was brought reluctantly to sign the paper, and who from beginning to the end said, "Confront me with him. Let us have it out now." Over and over again he said, "I don't like this delay; I don't like these proceedings. I saw it; and I am prepared to say I saw it. Confront me with him, and let us have it out now." At all events, this must be said for Mr. Lycett Green, above all witnesses in the case, from beginning to end he manifested the strongest belief in his opinion; he was very reluctant to have it settled except by direct personal conflict or meeting with Sir William Gordon-Cumming. That Mr. Lycett Green had perfect confidence in his own truth, and was firmly persuaded of what he said, no one can doubt.

Mrs. Lycett Green very distinctly said she was absolutely certain she saw an act of cheating. She shows how he did it; there is no question about it at all. You have heard her. You cannot doubt she spoke in the strongest possible way of

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having seen cheating. Mrs. Wilson says the same thing. Mrs. Wilson was, in the first instance, certainly a very unwilling witness, because she did not want a scandal, and said there must be some mistake. Although she confirms the story in the strongest possible way, she was certainly, in the first instance, very reluctant to speak. The Prince of Wales hears what they have to say, and at his request General Owen Williams and Lord Coventry go to Sir William Gordon-Cumming. Sir William certainly throughout denies the accusation in terms. I will come to his conduct presently. He insists upon seeing the Prince of Wales, and His Royal Highness tells him what he has heard. The plaintiff asks him not to believe the evidence of a parcel of boys.

Having gone through so much of the plaintiff's doings, let us see what these five persons say, and what Sir William says. As to the details of the two night's play, the plaintiff says that the whole is an invention—not in the sense of a malignant invention, but a mistake. "I did nothing of the sort," he says, all he did was to play perfectly fairly according to a certain rule, which he sometimes followed, as the fancy struck him. He followed it once or twice on this occasion, and his play was perfectly fair, legitimate, and honourable—according to a system known to baccarat players, but which was mistaken by these people for cheating. At first he was inclined to say, and he did say through his counsel, "I don't say these people invented anything against me; but they were mistaken. I repudiate the cheating." He has said all he could say when he says he did not do it. He could say no more. Before we go further into a far more serious part of the case—the conduct of the parties afterwards—let us consider the positions they themselves occupy. On the one side you have Sir William Gordon-Cumming—a person of rank, gallantry, character, and position, intimate with some of the most distinguished people in the country, and visiting great houses—going with the Prince of Wales to this place, invited to the Duke of Fife's, and moving in this high society—a baronet, soldier, and distinguished servant, a man who was received at Tranby Croft with the Prince of Wales as an honoured—and, I should not wonder, as rather a prized guest—a gentleman the Wilsons were rather glad to have there.

On the other side, you have first of all Mr. and Mrs. Wilson. Mr. Wilson is, I understand, a man of mature age, of large wealth, made in the honourable pursuit of merchandise and shipbuilding—Wilson of Hull, certainly known to most people who have nothing to do with Hull—a man of whom it is no disgrace to say that his great position, his wealth, his power



Lord Coleridge.

By courtesy of The Illustrated London News.

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of entertaining these great people, have been the result of hard work. Mrs. Arthur Wilson, no doubt, has risen with her husband. No doubt it was to her an agreeable thing to have these great people in her house. I say ninety-nine people out of a hundred, whatever they may say out of Court or in the newspapers, would be very glad to have the Prince of Wales, Lord Coventry, and Lord This and Lady That, in their houses—and I daresay Mrs. Arthur Wilson found a pleasure in having these people there. Mr. Arthur Stanley Wilson has been a great deal laughed at. He went to Magdalene College, which, I fancy, enjoys the reputation of not being the slowest college at Cambridge. After spending a little time there, his father thought he was not doing much good, and took him away, and he lives at home where, as a young man, no doubt, he was exceedingly glad to live. But why should he be attacked for that? He was very glad to know Mr. Berkeley Levett and these people; it is very natural he should. Mr. Lycett Green has been flown at. He is a Master of Hounds. Well, Masters of Hounds are rather proud of writing M.F.H. after their names. It is not as great as K.G., of course, but it is something. Certainly, in the box, he gave his evidence like a man, but it pleased the learned counsel to fly at him because his father was an engineer. As a sensible man he would not wish to help that, and, of course, he could not; but I cannot see why a man's father should be thrown in his face because he is an engineer, sits for a great place in Parliament, and has had rank given to him by the Queen. I cannot understand——

The SOLICITOR-GENERAL—I did not say so, my lord.

The LORD CHIEF JUSTICE—If you did not, Mr. Gill did.

The SOLICITOR-GENERAL—I don't think so, my lord.

The LORD CHIEF JUSTICE—I do not see why he should have been laughed at because his father was an engineer. He is married to Mrs. Lycett Green, and is son-in-law to Mrs. Wilson. I daresay he would have had a sense of pleasure in meeting the Prince of Wales and General Owen Williams. Is there any harm in that? I cannot see that there is, and what is more to the point, would it make them at all likely to be prejudiced against Sir William Gordon-Cumming? I should think not.

Mr. Berkeley Levett is in the Scots Guards. He is twenty-seven years old. They (the defendants) are young. It is a fault which, if it be one, will be cured by lapse of time, and I cannot say it is a thing to prevent you giving them every reasonable credence and belief if you think on other grounds they deserve it. Mr. Berkeley Levett was excessively annoyed at being dragged into the case, and he said as little as he

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could. He has been made fun of, and all this has been turned into ridicule. You are asked to say one of two things: either that he did not see what he says he did see, or that he must be conspiring with these people to bring a most infamous charge against a man with whom he had no quarrel.

As to the ladies I do not wish to say more, except this: Mrs. Wilson's dislike to being mixed up in this matter was carried to a very unusual degree, and affected her memory to an extent which one would be very glad if in unpleasant circumstances one's memory might always be affected. She did not tell her husband on the 8th, because it was late, and next morning she forgot all about it, and after she had been told that the baccarat table had been altered she totally forgot all about the cheating. It is certainly very strange—one is obliged to strain one's courtesy to think she is not a little overstating these occasions. If it be so, the question is whether she did not see what she says she saw. Sir William Gordon-Cumming has been moving in the highest society—himself of high descent, and is said to be above the miserable temptation of cheating at cards, and cheating at cards where, as I understand baccarat, the person he is alleged to have cheated was the banker—that is to say, his friend the Prince of Wales. The five witnesses said the plaintiff cheated. It was plain Sir Edward Clarke said very sharp things about General Williams, but freedom of speech on the part of counsel I am reluctant to interfere with when it is so rarely exceeded as in the case of the Solicitor-General. I do not like to say anything about it, but the language was no doubt strong. But they certainly thought the plaintiff had cheated. About that you must judge for yourselves. Some people I would not believe guilty of a thing if I saw it. Perhaps that is too strong; but nothing would persuade me of the guilt of a man whose heart and head I had known, unless I saw the act beyond all possible doubt. I would then say, well, human nature is human nature, and I suppose he did it. But you must recollect the condition of the house. Here are five people—one of them at any rate the friend of Sir William Gordon-Cumming—and who come to Lord Coventry and General Williams and say, "We have seen these things done." It is not a question of inference, it is not a question of argument, it is not a question of the slightest doubt—"We saw him do these things." Lord Coventry has told us that, of course, they could not be certain of what they would do until they knew Sir William's attitude, but they could not refuse to assent to the united testimony of five people—one of them absolutely unconnected with the rest, and all of them disinclined to bring scandal, and willing, if they could, to get out of the matter

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without bringing scandal upon the house; all of them coming forward and saying they were absolutely certain of it, and would stake their lives upon it. It is said they ought not to have thought anything about it until they had seen Sir William Gordon-Cumming. It is easy to say that when you are not the person who is to be the judge. If they made a mistake—as many a man might do—it was a surprising shock and astonishing thing; and I daresay—not because Lord Coventry has said it, whom I entirely believe; but because the natural run of things is so—they very likely did say to themselves: “Now this is an awful thing about the Prince of Wales; this is a most serious business for the Prince to be mixed up with; it will be a bad thing for him; it will be a bad thing”—I won’t say for the monarchy, but for the *entourage* of the Prince of Wales. Who can doubt that living under a monarchy, under such a Queen as we have, under such a Constitution as ours, that up to a certain point that feeling is very much to the credit of those who have it? If we can keep the institutions and those who are at the head of the institutions respectable and sacred, and recollect, when questions of this kind are brought before the world they are brought before a hard-judging world—a world that is not the loyal and humble and contented and, possibly, the subservient world that, under the Tudors and Stuarts, it was. It is a world the judgment and sense of which have to be consulted, and surely it is not a thing to be said against a man that, under these circumstances, he was most anxious if he could to keep the scandal quiet. These gentlemen were quite certain that if it was not kept quiet in some way or other, and if Sir William Gordon-Cumming was guilty, that the results were fatal—I will not say fatal, but were very serious indeed, and, therefore, they said: “We must go to the Prince of Wales and tell him that we have come to the conclusion that he is guilty; we must judge of what defence he has to make, for we cannot—although we have a strong impression against him—we cannot be certain of what we ought to do until we see him.” They did see him, and what was the attack upon him? The attack upon him was that he had been guilty of conduct utterly discreditable to a man of honour; and honour, I suppose—I don’t affect to be able to give a definition—honour, I suppose, is that which keeps a man of the world free from mean and shabby conduct as conscience keeps a religious man from sin. His honour is assailed. It is difficult to conceive a man who rejoiced in honour, who belonged to an honourable profession—the very air which he breathes,

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and the very life-blood of his life being honour—it is difficult to conceive a man setting too high a price upon it :

“ I am not covetous for gold ;
Nor care I who doth feed upon my cost ;

But if it be a sin to covet honour,
I am the most offending soul alive.”

That was said by Shakespeare, who put it into the mouth of Henry V. It is a feeling coveted almost by every man. “ If I lose honour I lose myself,” a man would say, and perhaps if I may be allowed to find the truest and grandest of all sayings on the subject it is that of the great Hebrew chief-tain of the Bible, “ Let us die, but let us not stain our honour.” Well, that is of what the plaintiff is accused. What does he say? He says “ I am not guilty.” Did he say, “ Confront me with my adversaries and let me have this out? ” No. Did he say even, “ Give me names in detail of the persons who accused me? ” No. When he said, “ I should like to go to the commander-in-chief,” they said, “ Go, let him go.” Did he go? No. He goes to the Prince of Wales, and before the Prince of Wales he denies in the strongest way that he has been guilty of these acts. The Prince of Wales talks to him and says, “ You know you have got all these people against you,” and he says, “ I should like to have the commander-in-chief made acquainted with it.” “ Very well,” says not the Prince of Wales, but either General Owen Williams or Lord Coventry, “ by all means; only I don’t think you will find that the Duke of Cambridge will be so lenient to you as we should have been.” After some consideration they draw up the paper—that is Lord Coventry and General Williams—they undoubtedly had determined upon drawing up something like it before, and in that view I agree with the Solicitor-General. They took a paper to him and asked him to sign it. I am far from saying that from his point of view there is nothing in the matter, but it is not a very serious point; however, their account is that, “ We pointed out to him it would be an admission of guilt,” and he says that it was he and not they who in the first instance said as much. The fact is clear that from one or the other the circumstance that this document would be construed into an admission of guilt was discussed between them. He says he brought the point before them; they say they did. The document undertaking never to play cards again was signed by Sir William Gordon-Cumming. I would read the differing statements if it were material. The plaintiff having signed it said, “ Well, but this is very serious; do you mean to say that this would prevent me from playing—my playing

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sixpenny points, at regimental whist"? Lord Coventry referred it to General Williams, who said, "Certainly, you cannot." The understanding was that he was to leave the next morning. Whether he saw Mrs. Wilson to take leave of her is not material. The whole thing was conceived with the idea of keeping the matter quiet, and it cannot be thrown in his teeth that he acted up to the arrangement. But, having signed the paper, how he could dream of going to the races the next day, where he knew ten or twelve persons were in possession of the secret, passess my comprehension. That evening he acted with what carelessness he could command, and asked the Prince of Wales to put his name in a birthday book.

The SOLICITOR-GENERAL—That, my lord, was before the paper was signed.

The LORD CHIEF JUSTICE—You are right. The party broke up the next day, owing to the death of Mrs. Arthur Wilson's brother; and, although some did go to the races, I take it that the plaintiff's departure would not be observed. What the plaintiff signed was well known, and the question is whether that is conclusive against him. That he knew it would be used as conclusive against him he did not deny. He knew it was a confession of guilt. It was said that he was surprised, that he was without counsel, and that he yielded to influences he ought not to have yielded to. Men act very differently about these things. Sir William Gordon-Cumming has had it said in his favour, and with perfect truth, that he was a gallant officer, who had stood up under fire, who had served his country bravely, who had been of great use to the Queen and the people of England; a man of forty-two years of age, who had lived all his life amongst gentlemen of the highest society, and he says that he was so taken aback, so overcome by circumstances, that he signed the document when, to use his own strong and graphic expression, he had "lost his head." General Owen Williams and Lord Coventry both said he had not; and both said he showed no outward signs of it. He discussed the matter carefully, took time to consider, he argued with them, and eventually signed. After he had signed he made a not unnatural attempt to get a sort of qualification introduced about the regimental mess, but that was refused. The question is, could a man of age, position, ability—could he have acknowledged the charge made against him? He had time to consider the matter well before he signed. It was not as if they came, so to speak, with a pistol to his head. He had an adequate and reasonable time to consider the matter. I should have thought that a man of honour, if he were inno-

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cent—apart from the consideration to which I would draw your attention presently—would have said, “What, I, Sir William Gordon-Cumming, sign a document which is to write me down a card-sharper. If there are twenty persons who have said that I have done it, I, in my own mind, am perfectly certain that I did nothing of the kind.” It is said that before that he had shown by his conduct that he was maintaining his innocence. I think there was evidence that he was told that Mr. Lycett Green was only too anxious to be confronted with him.

The SOLICITOR-GENERAL—That is not so, my lord.

Sir CHARLES RUSSELL—Three witnesses have sworn it.

The LORD CHIEF JUSTICE—I have concluded all I have to say to you about the interview between Lord Coventry and General Owen Williams and the plaintiff; but there is one matter independent of it on which I will say a word before I pass on. It has been suggested, and more than suggested—nay, it has been pressed upon you—that Lord Coventry and General Owen Williams treated the plaintiff harshly, and behaved to him as two gentlemen who had known him so long ought not to behave. If it were so, I don’t know that it would have much to do with the single, important, and very melancholy issue you have to try, because, even supposing that General Owen Williams and Lord Coventry had pressed hardly upon him, the question is not whether they did so, but what the plaintiff did under that pressure. Rightly or wrongly, these two gentlemen came to the conclusion that the evidence of these five witnesses must be conclusive, and, rightly or wrongly, they came to the conclusion that the conduct of Sir William Gordon-Cumming confirmed them in their opinion. They were sensible men, and they saw that neither in his desire to be confronted with his accusers, nor in his desire to go to the commander-in-chief, did he really persevere, and the conclusion they came to was one undoubtedly hostile to the plaintiff. It must be said also that the Prince of Wales—whom if he were present I would treat exactly the same as if he were any other subject of the Queen—the Prince of Wales, who came as a witness, and who swore to speak the truth, he also, it is clear, was of the same opinion, though he did not say so. It is clear from two things—from an answer cautiously expressed in reply to one of you, speaking as well as he could of a friend after some months had elapsed, for this occurrence took place in September. The Prince of Wales, like any other gentleman, hearing that his friend was suspected, would think that the last thing he could do was to desert that friend; he would make a point of asking Sir William Gordon-Cumming for his version of the story.

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Secondly, the Prince of Wales, as you know, did not decline the suggestion that Sir William should come to him for advice. I do not wish to say any more about the Prince than of any other gentleman in society. You have heard the opinion that the Prince of Wales, Lord Coventry, and General Williams might have been mistaken, and that their opinions did not bind the plaintiff; but you are bound to take into account that these gentlemen, with ordinary means of intelligence, and with ordinary means of judgment, were the friends of Sir William Gordon-Cumming, and were by him appealed to as friends.

As to the military considerations, I do not want to be dragged into them at all. It is enough for me to be an unhappy lawyer; I do not want to be an Imperial soldier. If the Prince of Wales and General Williams have broken military rules in endeavouring to screen an old friend, the military tribunals will judge of their proceedings, I hope and believe, as the jury judge of them, independently. If they have broken the rules it has been done apparently with the best of motives, but I quite understand there might be rules in the army with which motive has nothing to do, and that, if a man broke them, he must suffer the consequence. But what has that matter to do with this case? Why are we to be embarked in any such consideration? Why have we been told it would be made impossible that General Williams and the Prince of Wales could remain on the list of Her Majesty's forces?

The SOLICITOR-GENERAL—Assuming, my lord, that it were proved by the verdict of the jury that the plaintiff had not committed this offence of cheating. The proposition was distinctly limited by that.

The LORD CHIEF JUSTICE—I do not see what that has to do with the matter. I do not know whether the verdict of the jury will have the smallest effect, and I hope and believe it will not have the smallest effect upon the military authorities. There is another point to which I must refer before I come to the last part of the case, and that is as to the précis. The document so-called is drawn up by General Owen Williams for his own and Lord Coventry's and, I suppose, the Prince's behoof. If I may say so, I think it is very well drawn up. Well, nobody is aware of its existence except General Owen Williams, Lord Coventry, and the Prince of Wales. General Williams sends it to the Prince as embodying what he thinks is a correct representation of the facts. The Prince remarks that Lord Coventry has not signed it, and it is sent to him to verify and sign it. He reads it through, and says that with one exception—that he does not remember anything

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having been said about the withdrawal of the stakes—it is generally accurate, and he signs it, and it goes back to the Prince, and is not known to the other parties till the month of January in the present year. It is to be observed that, strictly speaking, that document was not evidence in this case at all. It was written by one of the witnesses in the case as conveying what was his recollection of what occurred, and it was allowed to be brought in, as other things have been allowed, without objection—and both parties have in this respect behaved very well, and have not taken advantage of technicalities. This is drawn up by General Owen Williams at least a week after the events with which it deals have taken place. None of the persons whose acts and words are recorded by General Owen Williams ever saw it at the time it was drawn up, nor for months afterwards. They were never asked to consider it or to verify its accuracy. Nothing of the kind. So it remains for months, until by-and-by Sir William Gordon-Cumming takes action in this matter, and proceedings are instituted. Then some allusion is made to the existence of this document, and he says, “I should like to see it.” Thereupon—and very properly—it is given to him, and, thereupon the defendants, never having seen it, never having been asked whether or not it is correct, it is sprung upon them—I do not mean in any offensive sense—thereupon it is produced at the trial, and they are pinned down to its words, and are asked to explain why in various points it is inconsistent with their evidence. The errors are not in themselves important, but as a matter of fact there are several incorrect statements of fact in the *précis*. There is no reason to doubt that it was written as perfectly genuine, and no reason to doubt the *bona fide* of General Owen Williams; but if the document had been shown at the time the witnesses would have been able to say that this or that was not right, and what I want to point out is that, in the course of his case, a witness is cross-examined and pinned down to a statement which he had never signed, never been asked about, and never seen until it is produced in Court. Put it to yourselves. Somebody writes down something you have said and you are told nothing about it. Then six months afterwards you are examined on the faith of this document. Of course you repudiate responsibility for what others have written down. It is, however, further to be borne in mind that the whole of the *précis* is governed by the phrase, “To the effect of.” It purports to give the effect of what occurred and of what was said.

One of the witnesses is said to have made a statement to the effect that his brother-in-law, Mr. J. Wilson, told him

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something on the evening of 8th September. Now, it is perfectly immaterial to the case whether he told him on the evening of the 8th or on the morning of the 9th. Both these gentlemen say that the conversation was on the morning of the 9th, and yet it is put to them that they cannot be right because General Owen Williams wrote down that it was on the evening of the 8th. No man would like to have his word decided in that way, but it is in this way that the *précis* is used to cross-examine gentlemen and ladies upon it who were unaware of its existence, and had never been asked whether they agreed with its representations or not. As you must all know, how common a thing it is, if a man makes a minute at the time and subsequently says to his fellow-director, "Does this convey what you meant," for his co-director to say, "No, I did not say that." Whether Mr. Stanley Wilson told Mr. Lycett Green on the 8th or 9th is a matter of perfect indifference, and it is a mistake—if a mistake—of which General Williams need not be ashamed. Then the *précis* stated that "he systematically placed a larger stake on the table than he had originally laid down, and when the cards were against him he frequently withdrew a portion of his stakes, and by this means defrauded the bank." Now, all the witnesses have said, "We don't think he withdrew his stakes," and I noticed that they said that the first moment they were asked. In every one of the interrogatories that were addressed to them they made that answer. They said, "We do charge that he cheated by adding; but we do not charge that he cheated by subtracting." It seems to me, however, to be profoundly indifferent—only a very small matter. Then the *précis* said, "His conduct had been noticed by Mrs. Arthur Wilson, who informed her husband of what she saw." That, in a certain sense is true, for it is true that she observed it on the 9th, but it is not true that she told her husband then. However, at some time or other, Mr. Wilson became aware of it. We do not know when, but at all events at some time or other, and the whole thing is profoundly indifferent. One thing is quite certain, viz., that Mrs. Arthur Wilson did notice it, and that at some time she informed her husband. Next, "it was agreed they should all carefully watch the play on the following night, when again Sir William Gordon-Cumming was seen frequently to repeat the practice." We can see that this is a summary, and that there is no attempt on the part of General Williams to give chapter and verse. It is a general summary of what was said by all the witnesses before General Williams. Even supposing it to be inconsistent with the facts of the case, it at least is the best account that General Owen Williams could give a week or so afterwards of the

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occurrence of the 8th and 9th, and I own I am somewhat surprised at the amount of detail it gives. Just judge for yourselves. Supposing you were asked to give a connected narrative of something that occurred ten days ago, you can see that there would be differences in the account, however honestly you might endeavour to state the truth, and that there would be discrepancies. They were all men of ability and of honour, but it is certain there would be discrepancies. There would be no dishonest intention on their part, and it would simply resolve itself into a question of memory. That seems to me to be the sensible view to take of what has been said about this *précis*, after it was once admitted into the case. In any other case the defendants would have had the right to say, "What is it that you are reading from? It is not a paper I have ever seen. It is not a paper I have ever signed."

[The Lord Chief Justice then resumed the reading of the *précis*, giving the account of the consultation of Lord Coventry and General Owen Williams.] He continued: You see that, as Lord Coventry says in his evidence, they wanted to stop a scandal, to be lenient to an old friend, and to prevent the name of the Prince of Wales being brought in connection with it; but they also wanted to disarm Sir William Gordon-Cumming, and would only agree to the condition of secrecy if he signed the promise not to play cards. And so they said: We think we served society very well, because we stopped cheating on the part of Sir William Gordon-Cumming and also stopped a scandal. As to the affair being wholly maintained a secret with so many people acquainted with it, two of the twelve being ladies, how they could think secrecy would be preserved I don't know. The *précis* goes on to say that the Prince of Wales, being consulted, agreed that such a solution was possible. Lord Coventry and General Owen Williams then went to see Sir William Gordon-Cumming, who emphatically denied the charge, and asked to be allowed to see the Prince of Wales, who consented to an interview if Lord Coventry and General Owen Williams were present. At that interview Sir William Gordon-Cumming again denied the accusation, but he was told that it was utterly useless to attempt a denial in the face of so many witnesses whose interest it was that no scandal should occur in the house. Later on Lord Coventry and General Owen Williams saw Sir William Gordon-Cumming, and, while advising him to sign the document, pointed out clearly that his signature would be an admission of his guilt. On that point his evidence differs from theirs. They have been very much reprehended for taking this course, but it does not appear to me that, even if they are repre-

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hensible, it has much to do with the point, and whether they were or not is a matter on which there may be a difference of opinion. Well, that is the case up to that point.

Now comes a very important matter bearing on Sir William Gordon-Cumming's conduct afterwards, and on that I think the Solicitor-General has not been quite so powerful, naturally enough, perhaps, as upon other parts of his case. Sir William Gordon-Cumming leaves Tranby Croft on the 11th, and goes to town—goes to his own house in town—and on the 12th (the next day), eight-and-forty hours after he has signed the document, after he has had time to think the matter over, he writes this letter to General Owen Williams: "Dear Owen,—Your letter received to-day. I had hoped that you, at all events, would see your way to give me the benefit of the doubt"—just realise the meaning of that: realise that that was written by Sir William Gordon-Cumming eight-and-forty hours after he had been surprised into signing the document—"but it seems that that is not to be. The secret is in the hands of far too many to remain one long, and I see little before me to make life worth living. I suppose in the meantime I must try and live as of old.—Yours, all the same, W. GORDON-CUMMING." Now, is that the letter of a man who had been tricked into signing the document: is that the letter of a man to friends of whom he has reason to complain? There is the letter of Sir William Gordon-Cumming, written deliberately, written with all the consequences before him of what he had done. "I had hoped you would give me the benefit of the doubt, but I see that is not to be." There I leave that letter.

On the 15th, three days later, he writes again: "My Dear Owen.—Thanks for your letter of the 13th. You can well understand how deeply I feel the very great kindness and friendship you have shown me in this matter. I have taken your advice about Mar.—Yours very truly, W. GORDON-CUMMING." Is that the letter of a man indignantly repudiating the signing of the document, and complaining of being tricked into the course he took—complaining that true but mistaken friends had falsely—no, I will not say falsely—had mistakenly advised him? Well, then, to go on. On 11th September he has £228 as his winnings, in a draft drawn to his order by Mr. Sassoon. He endorses it, pays it into his bank, and there the matter has rested from 11th or 12th September to the present time. We are now in 9th June. Gentlemen, would you, if you were accused of cheating, and if you had signed a paper saying that on consideration of silence being maintained you would never touch a card again, and if you had written to your friend thanking him for his very great kindness, would you touch

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that money? Would you have paid that £228 into the bank? I pass no opinion, I merely ask you the question. Then comes, on 27th December, this anonymous letter from Paris (the letter was read by the Lord Chief Justice), and the letter from General Owen Williams in reply to one by Sir William Gordon-Cumming, in which General Williams says he feels confident that the incident has not been mentioned by any one of those present at the time, and that if he should hear a whisper he will let Sir William know. On 20th January there is another letter from General Owen Williams mentioning that he had heard of the matter from a person outside; and a few days later another letter, in which General Owen Williams says there is nothing left for Sir William Gordon-Cumming to do but, as he has done, to place himself unreservedly in Colonel Stracey's hands; and informing him that he is quite at liberty to tell Colonel Stracey that he signed the document under extreme pressure, and that he had never admitted, in the presence of Lord Coventry and General Williams, the truth of the statements made against him. The letter goes on, "The statement of the case drawn up at the time mentioned the fact that Coventry and I clearly explained to you that your signature was tantamount to an admission of your guilt, but that you made no acknowledgment of your guilt, but on the contrary strongly asseverated your innocence." Then General Owen Williams writes a few days later, saying, among other things, "You say that you are not sure you did right in signing the document. I assure you there can be no doubt about it, as it was an absolute necessity. Otherwise there was no loophole for the avoidance of a scandal." It was about this time that the action was brought, and about this time, no doubt, Sir William Gordon-Cumming communicated the facts to Colonel Stracey, and applied for leave to retire from the army on half-pay. I really do not think it is worth disputing that things at that time had got to a state where Sir William Gordon-Cumming felt that the only course left for him to take was to place the case before Colonel Stracey and ask if he could not leave the army.

It is plain from the letters I have read that he felt his position was becoming intolerable, and that the best thing he could do was to go to his commanding officer and state the facts. Well, then, he brings the action, and it has been said that these letters that I have read, written just before the bringing of the action, and one more to which I will refer in a moment, show that Lord Coventry and General Owen Williams did not believe Sir William Gordon-Cumming to be guilty, because General Williams would not have written to him as "My dear Bill," and so on, if he had believed

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his guilt. You have had General Owen Williams in the box, and you had it from him—what, indeed, is not denied by Sir William Gordon-Cumming—that it was part of the understanding that as far as possible things should go on as usual. It was arranged that if they met in clubs or anywhere where non-recognition would be observed, there should be no apparent change in their relationship. That is hardly denied; but the tone of the letters has been adverted to, and properly adverted to, to show that there was a disbelief in General Williams's mind of the guilt of his friend. As I have said, you have had General Owen Williams in the box, and you have heard his answer: "I had always called him 'My dear Bill.'" I had a great regard for him. I advised him to sign this document. He must have been suffering great distress, and I did not change the style of my letters. I did not think it kind to do so." Gentlemen, there, again, some men draw straightly up when they find they cannot go on familiarly with their friend, but some others do not. They take another line, and are kind. Whether General Owen Williams will stand worse with you for having done this is for you to consider, but that that question has much to do with this case I cannot say.

Now, there is another letter to which I said I would refer. It is one written by Sir William Gordon-Cumming to Lord Coventry, complaining that he had been advised to do as he did, declaring that he was in a far worse position after signing than if he had not signed, and stating that he had no option but to do what he ought to have done at the first, namely, to put the matter in the hands of the officers of his regiment and stand or fall by their verdict. That seemed to me a very cold letter. Then there was the following letter:—"Carlton Club, Feb. 4, 1891.—Dear Sir William,—I found your letter on returning from hunting last night. I will communicate your request to General Williams, and I feel sure that there will be no objection to supplying you with a memorandum.—Yours truly, COVENTRY."

The SOLICITOR-GENERAL.—That is not the answer.

The LORD CHIEF JUSTICE.—No; that is not the answer. [His lordship next referred to the argument which had arisen over a letter marked private which Sir Charles Russell had proposed to read.] Strictly speaking, Sir Charles had a perfect right in law to read it if he liked. There are secret letters and secret letters, private letters and private letters. Some letters are marked private for the purpose of provoking people, and very often the most unfair and improper use is made of the word. The Lord Chief Justice often receives exceedingly insulting letters which are marked private and confidential, and I treat them with disdain.

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The SOLICITOR-GENERAL—I hope you will forgive me interposing. Your lordship said in Court with regard to that letter that a gentleman could not be asked whether he would have a letter of his read, because he could only give one answer to it.

The LORD CHIEF JUSTICE—He could only give one answer. I agree. With regard to the interview between the plaintiff and Mr. Berkeley Levett, Sir William Gordon-Cumming was in a very painful position, and, of course, if he could have got Mrs. Arthur Wilson and the others to say, “Well, it was some time ago; we may have made a mistake; we are ready to say we have made a mistake,” it was a very desirable thing to do. It would have been a complete answer and a happy end to the whole affair. As to Sir William Gordon-Cumming sending for Mr. Levett, a brother officer, I accept the plaintiff’s view that it was a withdrawal, and not a softening, that he required. Who can complain and say the plaintiff was doing anything wrong? Not I. It is very far from being a strong fact against Sir William Gordon-Cumming; it is the most natural thing in the world. Those were all the circumstances and all the facts of the case that I need say anything about except one, and of that I must say something. Sir Edward Clarke, in the course of his able speech, distinguished between his position as Solicitor-General and as an advocate. I do not.

In the course of his speech he said the true solution of this, or nine-tenths of it, was to save the Prince of Wales. He said Royalty is great. He said Royalty has been the parent of the beautiful feeling called loyalty, and loyalty has led people to sacrifice everything for their King and for their Queen, and people lay down their lives for their kings and princes, and thus Sir William Gordon-Cumming came to sign this document to save the Prince of Wales. He put it much better than that, but that is what he meant. It is no part of my duty to express an opinion or to presume to express any opinion upon the Prince of Wales or what effect this matter might have upon the estimation in which he is held. I am aware that a white light beats upon a throne, and a light pretty near as strong beats upon the Heir Apparent, and I am quite aware that a man may think in this country, where monarchs and the Royal Family are so deeply bound up with the traditions and interests of the country, that no sacrifice could be too great to maintain these institutions. I can quite understand that. What the life of the Prince of Wales is I neither know nor desire to know. What I know about the Prince of Wales, in the very slight acquaintance I have with him, is that he is a courteous gentleman. Beyond that I know nothing. I have not the honour

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of his intimacy. England is not only a free, but, if I may say so, a very censorious country, and the life of the Prince of Wales, like the life of almost any person of very high rank, but pre-eminently in his case, is subject for public comment and is matter of public knowledge. Where the Prince goes, what he does, how he spends his time are known, through the press and in a hundred other ways, to multitudes and multitudes of people who, perhaps, never saw him: and the acquaintances of the Prince of Wales are so many, and are spread through such different strata of society, that their knowledge, no doubt, filters down through the different layers of which our complicated society is made up, and there is scarcely any person who does not know, or who does not think he knows, something of the life and character of the Prince of Wales. It is the penalty that very high rank has to pay for its existence. The Prince of Wales cannot be a private man if he wished it; the Queen could not be a private woman if she wished it. Her life is lived with her subjects' knowledge. Therefore the Prince of Wales is in a general way known first of all for his constant and admirable devotion to public duty—going here, and going there, opening this institution and that institution.

For my own part, that might seem grievously boring, and intolerably depressing; but he goes through it like a man, and I daresay that, in a free country, if he spends the morning or afternoon in perhaps making one good speech and hearing a number of speeches which are not very good, he perhaps in the evening likes to enjoy himself. I do not know that His Royal Highness would not take offence at my saying; but, remembering this fact—that he played baccarat with a number of distinguished people and without betting—if any one went on to say what would be, I suppose, the common opinion of hundreds of thousands of people, that he personally disapproved of the fact that the Prince in one large house introduced baccarat, and that he had played it for a couple of nights, I do not imagine it would have done much harm to the Monarchy or the Prince of Wales or anything else. Some people might say, "Why not read the Bible, or do some interesting and exalting occupation?" That would make no real, substantial difference, and that anybody would think the worse of a hard-working man spending the evening in this way among his friends it would be hard to believe. I cannot help thinking that, even if it were otherwise, a man might accept many things. He might accept death, but he would not accept dishonour. Do you believe that an innocent man—a perfectly innocent man—would write down his name on a dishonouring document, on a document which, in fact, stated that he had cheated

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and taken money out of the pocket of the Prince of Wales by craft and sharpening, simply that it might not be made known that the Prince of Wales had played baccarat for very moderate stakes? Is not the consequence far too great for the cause? Is it not attributing far too much to this spirit—a good spirit in its way, a noble spirit. I frankly admit—is it not putting an incredible weight upon it to suppose that any gentleman in the circumstances would allow himself not to die but to be called a card-sharper and a cheat for the rest of his life, for fear it should be known that the Prince of Wales had done something of which many people would disapprove? I could quite understand a man giving up his all except his honour—but I cannot understand a man doing as this man did. I can understand a man giving away life, but I cannot understand a man giving away all that life is valuable for and without which it is not worth while to live. You must judge of these acts and all that he has done exactly as you would judge of the acts of any person, either in the middle or in the lower class of society.

And now I send you to your duty. You have a very grave and a very important duty. You have sworn to perform it, as God shall help you, according to the truth. You must not, and you will not, I am sure, perform it in any other sense than the single, simple, unalloyed desire that truth and justice should prevail. You must remember that the consequences are not yours, but the duty is, and I send you to do your duty in the noble words of a great man many years gone—I divert them from his purpose to adapt them to this case—when you pass your judgment upon Sir William Gordon-Cumming I pray you recollect your own.

The jury retired at twenty-five minutes past three.

The jury returned after an absence of thirteen minutes, and, having taken their seats,

The ASSOCIATE said—Gentlemen, are you agreed upon your verdict?

The FOREMAN—We are.

The ASSOCIATE—Do you find for the plaintiff or for the defendants?

The FOREMAN—We find for the defendants.

Sir CHARLES RUSSELL—Your lordship will give judgment in accordance with the finding of the jury?

The LORD CHIEF JUSTICE—Yes.

The jury were then discharged.

APPENDICES.

Appendix I.

Appendix I.

BREACH OF ARMY REGULATIONS.

QUESTION IN PARLIAMENT.

On 15th June, 1891, the Secretary of State for War was asked in the House of Commons whether he had taken, or intended to take, any action in regard to the alleged breach by "the person or persons" concerned in the Gordon-Cumming Case of the Regulation of Her Majesty's Army, which provides that: "*Every Commissioned Officer of Her Majesty's Service, whose character or conduct as an officer and gentleman has been publicly impugned, must submit the case within a reasonable time to his Commanding Officer, or other competent Military Authority, for investigation.*" To which the Secretary of State, Mr. E Stanhope, made reply: "Any Hon. Member who examines the Regulation in question will, I think, see that the person who chiefly broke it was Sir William Gordon-Cumming, who failed to submit his case to his Commanding Officer. Any offence committed by any other officers could only have consisted in advising or pressing him to take any other course. Of the three officers connected with this case, one, General Owen Williams, has retired from the Army, and is no longer subject to the Queen's Regulations. The other two are, undoubtedly, so subject. The Regulation in question, No. 41, has never been specially brought to the notice of H.R.H. the Prince of Wales, but now that his attention has been called to it, and that he has also looked back upon all the circumstances of the case, H.R.H. authorises me to say on his behalf that he sees that an error of judgment was committed in not requiring Sir William Gordon-Cumming at once to submit his case to his Commanding Officer in accordance with the Queen's Regulations. In this view of the case I certainly concur, but I should like to add the expression of my personal opinion that if any one of us had unfortunately and suddenly heard that a close friend of our own—who, moreover, had gained distinction by his services to his country—had been accused of dishonourable conduct, we should naturally have hesitated before taking any course which would bring immediate and irretrievable ruin upon his whole future career. Mr. Berkeley Levett, who is in the same

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position, has addressed a letter to his superior officer, expressing in very proper terms his great regret at not having acted in strict accordance with Regulations. It is not proposed to take any further action in the matter."* But had Sir William's conduct been "publicly" impugned? Was not the essence of the procedure adopted or intended to keep the accusation private?

Appendix II.

LORD DE ROS.

There is no need to describe fully the case of this eccentric peer; it is quite efficiently dealt with in this extract from that highly entertaining book: "Some Experiences of a Barrister's Life," by Mr. Serjeant Ballantine.

"Whilst he was at the Bar, I had not many opportunities of hearing Campbell. He was, beyond doubt, a very skilful advocate. His manner was dry and not pleasing, but he commanded attention, possessed great power and force, and was, I should think, with rare exceptions, thoroughly judicious.

There was another case in which he was engaged, which also attracted a great deal of attention, and is so happened that my old master, the General, as Watson was always called, was engaged in it. The day before it came on I was dining with him, and the following morning I accompanied him to the Court of Queen's Bench, where it was tried before Lord Denman. It was an action brought by a Lord de Ros against a gentleman named Cumming for defamation, and Watson was with Thesiger and Alexander for the defence. It arose out of play transactions at different clubs, and it was alleged that Lord de Ros had been habitually guilty of cheating. The Court was crowded to the ceiling, and I remember Lord Lyndhurst, amongst many other gentlemen, being upon the Bench, taking apparently a great interest in the trial. The story was a very strange one. Lord de Ros was a man of high family, I believe Senior Baron, and was not only a popular man, but wealthy and liberal in the ordinary transactions of everyday life, and a member of

* *Hansard's Parliamentary Debates*, vol. cccliv, cols. 893-4.

Appendix II.

several of the best clubs in London and elsewhere. There was no doubt that, long before the matter was brought to an issue, whispers had circulated imputing to his lordship unfair practices. He had received a well-meant although anonymous communication advising him to desist from play, and a paragraph charging him broadly with cheating had appeared in a newspaper. Ultimately certain gentlemen, amongst whom was Mr. Cumming, undertook the responsibility of the charge, upon which the action was brought against him. The transactions attributed were alleged to have occurred at a club at Brighton, the Travellers, in Pall Mall, and more markedly at a proprietary club that was then in existence, and kept by a gentleman named Graham, and of which many distinguished men, including Lord de Ros, were members. His lordship was an excellent whist player, and considered quite a match for the finest of the day. Nevertheless, it was asserted that he resorted to an elaborate trick to obtain an unfair advantage. I will endeavour to explain its nature, but it is difficult to do so clearly. It consisted in a reversal of the cut, that is to say, that after the cards had been cut to the dealer he would contrive, by an act of legerdemain, to replace the last card, which ought of course to have gone amongst the other cards into its original position at the bottom of the pack. It is obvious that for the purpose of rendering this trick of benefit to the dealer he must have acquired a knowledge of what the card so replaced was. And it was said that for this purpose Lord de Ros contrived to mark certain court cards in such a manner as to be able to distinguish them and secure the presence of one of them at the bottom of the pack when he presented it to his adversary to be cut. It is really incredible that any sane man should have conducted his proceedings with such recklessness as he did, and one cannot help thinking of the saying '*Quem deus vult perdere prius dementat.*' The witnesses examined against him had noticed that when about to deal he endeavoured to distract attention by coughing, an infirmity that did not trouble him at other times, and one of them, Sir William Ingelby, declared that he did not remember an instance of his dealing without turning up a king or an ace; and the cards with which he played were afterwards examined and found to be marked, apparently with the thumb nail. Colonel Anson, George Payne, and Lord Henry Bentinck were amongst the witnesses deposing to having noticed Lord de Ros in his mode of dealing. These gentlemen were amongst the finest players of the day, and he must have known that they were looking on whilst he was transposing the cards, which adds to his extraordinary folly, if it does not almost prove him to have been insane. Sir John Campbell, who with Sir William Follett and Mr.

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Wightman appeared for Lord de Ros, made a long, energetic, and powerful speech, showing his capacity in a hopeless case. I cannot, however, think that a suggestion he made of conspiracy upon the part of the gentlemen called could be either prudent or justifiable, as it was clear that they had all come forward most unwillingly. After an anxious and thoroughly impartial charge by the Lord Chief Justice, the jury, without hesitation, found the only possible verdict, for the defendant.

The trick was not a new one, and was known by the name of *sauter le coup*, and Sir William Ingelby excited much laughter by undertaking with a pack of cards to show the mode in which it was performed, and, fortunately for his reputation, he made a very clumsy exhibition of it. Sir John Campbell also caused a good deal of fun by inadvertently describing it as *couper la saute*. An anecdote was related in connection with this case of a young member of the club who had noticed Lord de Ros performing this trick asking an old member what he ought to do. "Bet upon him" was the advice given, of course, in joke.

An endeavour was made to show that Lord de Ros had some physical infirmity connected with the muscles of the hand, which would have prevented his manipulating the cards in the manner described, and for this purpose the eminent surgeon, Mr. Lawrence, was called, but did not succeed in substantiating this view."
